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Report of the Secretary-General pursuant to Security Council resolution 1846 (2008)

I. Introduction

1. The present report is submitted pursuant to operative paragraph 17 of Security Council resolution 1846 (2008) of 2 December 2008, in which the Council requested me to report on the implementation of that resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia. The report updates the assessment contained in my report of 16 March 2009, submitted pursuant to that resolution (S/2009/146) and is based on information received as of 31 October 2009.

2. As in my previous report, the following assessment and recommendations are based on information provided to me by Member States and regional organizations, in conformity with paragraph 16 of resolution 1846 (2008). Consultations have also been undertaken within the United Nations system as well as with the International Criminal Police Organization (INTERPOL) and the Monitoring Group on Somalia re-established pursuant to resolution 1853 (2008).

3. The report provides an assessment of the piracy situation and examines the political, legal and operational activities that have been undertaken by Member States, regional organizations and the United Nations and its partners in the fight against piracy and armed robbery at sea off the coast of Somalia. It concludes with observations on ways in which the long-term security of international navigation off the coast of Somalia, including seaborne humanitarian deliveries to Somalia and the United Nations supply line to the African Union Mission in Somalia (AMISOM), can be secured. Finally, the report outlines the role that the United Nations can play at this stage.

II. Reported incidents of piracy off the coast of Somalia

4. The International Maritime Organization (IMO) issues monthly reports and quarterly and annual summaries of all incidents of piracy and armed robbery against ships reported to the Organization (MSC.4 series circulars, promulgated on the IMO website, www.imo.org). During 2008, 306 incidents were reported worldwide, of which 136 occurred in the East African area. In the period from 1 January to 30 September 2009, 300 incidents were reported worldwide, of which 160 occurred in the East

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African area. In the waters off the coast of Somalia, 34 ships were hijacked and in excess of 450 seafarers were taken hostage during the same period.

5. Two successful hijacking attempts were carried out between July and September 2009. The number of alleged attempts and attacks brought to the attention of IMO dropped from 95 in the second quarter of 2009 to 26 in the third quarter, owing largely to seasonal weather conditions. Since then there has been resurgence in the number of attacks, in particular in the western Indian Ocean. As of 27 October 2009, eight ships and 178 seafarers were being held hostage.

6. No significant observable change occurred during the reporting period in the modus operandi of pirate attacks, except that the locus of such activities shifted from the Gulf of Aden to the western Indian Ocean and, more recently, closer to Seychelles, largely as a result of successful naval action. There is also some information to suggest that smaller ships, such as fishing vessels and pleasure craft, are increasingly being targeted, but as yet there is insufficient data for a detailed analysis.

III. International cooperation to address piracy off the coast of Somalia

7. During the reporting period, the efforts of the international community to provide coherence to, and support for, international and regional initiatives to combat piracy intensified.

8. The Contact Group on Piracy Off the Coast of Somalia was established as an international cooperation mechanism to act as a common point of contact between and among States and regional and international organizations on all aspects of combating piracy, in line with paragraph 4 of resolution 1851 (2008). Since its inaugural meeting on 14 January 2009, the Contact Group has convened a further three plenary meetings, on 17 March, 29 May and 10 September 2009. Forty-five Member States and seven international and regional organizations participated in its most recent meeting. The Contact Group is supported by four working groups, which address specific thematic priorities.

9. As detailed in my previous report (S/2009/146), Working Group 1, which is chaired by the United Kingdom of Great Britain and Northern Ireland, was established to examine activities related to military and operational coordination and information-sharing and the establishment of the regional coordination centre. In the past 10 months, that role has developed significantly, and the Working Group is focusing primarily on the operational coordination of military naval activities in the region and regional capacity development. During the reporting period, the United Kingdom, as Chair of Working Group 1, led two assessment missions to the region to ascertain the potential for support to countries in the region and to Somalia.

10. Working Group 2, on legal issues, which is chaired by Denmark and has met three times since its establishment in January 2009, has undertaken the task of providing specific guidance to members of the Contact Group on legal issues related to the fight against piracy, including to ensure the prosecution of suspected pirates. To this end, the Working Group has begun to develop a set of practical tools with the aim of providing support to States and organizations participating in that effort, and it also serves as an important forum for the sharing of information and best

practices. Working Group 2 was also responsible for the planning and preparation of the trust fund modality to support initiatives of the Contact Group.

11. Working Group 3, on the strengthening of shipping self-awareness and other capabilities, which is chaired by the United States of America, reported to the Contact Group at its 10 September meeting that in August 2009, 12 industry organizations, representing the vast majority of shipowners and operators of the seafarers working on ships transiting the region, had updated the document entitled "Best management practices to deter piracy in the Gulf of Aden and off the coast of Somalia". In September 2009, IMO circulated the document to all Member States and the shipping industry (MSC.1/Circ.1335), urging Governments and the industry to follow the new practices. The Contact Group also commended the related partnership between Egypt and the European Union Naval Force for training and the sharing of information with vessels transiting the Suez Canal.

12. At its third meeting, on 29 May 2009, the Contact Group endorsed the communication and media strategy proposed by Egypt, as Chair of Working Group 4 (diplomatic and public information efforts), the aim of which is to coordinate communications activity addressing piracy off the coast of Somalia and inform the wider international community of all Contact Group policies, recommendations and activities. The strategy identifies the key messages that should be delivered to various target audiences, including Somalis in and outside Somalia, neighbouring States and the international community, as well as the shipping industry. The Working Group welcomed the report submitted by the United Nations Political Office for Somalia (UNPOS) on implementing the media and advocacy strategy in affected areas of Somalia.

13. At its meeting on 10 September, the Contact Group approved the terms of reference of an international trust fund which is designed to help defray the expenses associated with the prosecution of suspected pirates as well as other activities related to implementing Contact Group objectives regarding combating piracy in all its aspects.

14. I would like to stress that the United Nations Secretariat and IMO have assisted the Contact Group since its inception, both as contributing members and in the provision of substantive support. The United Nations Office on Drugs and Crime acts as secretariat to Working Group 2 and has provided support in various ways to further its work. In particular, the Office has prepared an analysis of the legal and practical challenges to prosecuting suspected pirates and is gathering information on relevant national legal systems, including those of coastal States. The Office of Legal Affairs has also actively supported States in Working Group 2 by providing papers and statements, in particular on the international legal regime applicable to piracy, international tribunals and the applicability of international human rights obligations to the detention of suspected pirates at sea and their transfer to regional States. IMO typically hosts the meetings of Working Groups 1 and 3.

15. Member States continued during the reporting period to hold separate international meetings on piracy, further demonstrating the strong political resolve to deal with the problem. The Seoul High-level Meeting on Piracy Off the Coast of Somalia was held on 9 and 10 June 2009, hosted by the Government of the Republic of Korea, with a contribution by the Government of Japan and in cooperation with IMO. The purpose of the meeting, which was attended by delegations from Member States and representatives of intergovernmental and non-governmental

organizations, was to support mechanisms and programmes for cooperation to prevent and suppress piracy and armed robbery at sea off the coast of Somalia and to enhance the safety of navigation, environmental protection and maritime security in the Gulf of Aden and the western Indian Ocean.

16. In my previous report, I noted that the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden had entered into force on 29 January 2009 with the signatures of nine regional States. Egypt signed the Code of Conduct on 1 October 2009, and a further three signatures are expected before the end of 2009. The Code of Conduct is open for signature by the 21 Member States in the region.

IV. Notifications to the Transitional Federal Government of Somalia

17. As at 31 October 2009, the Secretariat had received confirmation from the Permanent Mission of Somalia to the United Nations that the following Member States and regional organizations have transmitted advance notifications of their cooperation with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia: Canada, India, China, Turkey, the Russian Federation, the United States of America, Denmark, France, the Netherlands, Spain, the United Kingdom of Great Britain and Northern Ireland, Australia, the Islamic Republic of Iran, the Republic of Korea, the European Union and the North Atlantic Treaty Organization (NATO).

V. Naval activities off the coast of Somalia

18. The combined efforts of the international naval forces operating off the coast of Somalia have significantly increased in the past 11 months. This has considerably reduced successful incidents of piracy and armed robbery at sea in the region. Although the various forces are operating under different mandates, some regional and some national, all have a similar objective: to deter and prevent piracy and armed robbery at sea off the coast of Somalia; to ensure the safe delivery of humanitarian assistance to the region; and to facilitate safe navigation for all merchant shipping. They do so within the appropriate legal frameworks, including the United Nations Convention on the Law of the Sea and Security Council resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1846 (2008) and 1851 (2008).

19. In accordance with paragraphs 6, 7 and 9 of resolution 1846 (2008), during the reporting period, three multinational maritime coalitions have been contributing to the fight against piracy off the coast of Somalia since the adoption of the resolution: (a) European Union Naval Force Operation Atalanta; (b) NATO, using standing maritime forces; and (c) the United States-led Combined Maritime Forces, first using the already-established Combined Task Force (CTF-150) and then establishing CTF-151 in January 2009 to specifically address piracy in the region. In addition, several Member States have acted independently, some coordinating their operations with the multinational coalitions.

A. Multinational maritime coalitions

Operation Atalanta

20. Since the issuance of my previous report, European Union Naval Force Operation Atalanta has continued to play a key role as part of the European Union contribution to the deterrence, prevention and repression of piracy and armed robbery at sea off the coast of Somalia within the framework of the European Security and Defence Policy. Operation Atalanta operates in a zone comprising the south of the Red Sea, the Gulf of Aden and part of the Indian Ocean, including Seychelles and, more recently, areas remote from the East African coastline. On 15 June, the European Union General Affairs External Relations Council extended the operation's mandate for an additional 12 months to December 2010. The European Union will formally renew the mandate of Operation Atalanta in November 2009, on the understanding that the authorization contained in Security Council resolution 1851 (2008) will be extended.

21. During the reporting period, Operation Atalanta continually demonstrated its ability to act effectively against piracy, providing 47 escort missions and allowing for the safe arrival of all World Food Programme (WFP) and United Nations-related shipments. To date, the operation has ensured the delivery of approximately 279,000 tons of humanitarian assistance. Since it commenced operational activities, Operation Atalanta has successfully disrupted more than 15 attacks. States Members of the European Union and contributing non-European Union States have deployed naval assets comprising more than 20 vessels and aircraft and 1,800 personnel as part of the operation or to supplement the team at the European Union operational headquarters. To date, as many as 12 European Union ships and a number of maritime patrol aircraft, contributed by various European Union member States, have been operating at any one time.

North Atlantic Treaty Organization

22. As noted in my previous report, NATO was one of the first international organizations to respond to the piracy challenges off the coast of Somalia by agreeing, in October 2008, to escort WFP vessels using its Standing Maritime Group 2. During the reporting period, NATO continued to be actively engaged in the long-term efforts to combat piracy in the region by deploying Operation Ocean Shield, which replaced Operation Allied Protector in August 2009. The operation continues to comprise five NATO vessels from Standing Maritime Group 2, which patrol the waters off the Horn of Africa and along the internationally recommended transit corridor in concert with the Operation Atalanta and the Combined Maritime Forces.

23. During the reporting period, NATO escorted over 50 merchant vessels, including several contracted by WFP to deliver humanitarian assistance to the region, under the coordination of Operation Atalanta. Those NATO forces were also involved in some 46 incidents whereby NATO units boarded suspicious small craft, provided humanitarian assistance to beleaguered merchant vessels and responded to emergency calls, including from vessels under pirate attack.

Combined Maritime Forces

24. The Combined Maritime Forces are a United States-led international naval coalition whose mission is to conduct both integrated and coordinated operations in the Gulf of Aden, the Gulf of Oman, the Arabian Sea, the Arabian Gulf, the Red Sea

and parts of the Indian Ocean, covering over 2.5 million square miles of international waters. The forces comprise three principal combined task forces: CTF-150, CTF-151 and CTF-152. Of those, CTF-150 and CTF-151 have specifically undertaken efforts to combat piracy off the coast of Somalia. Over the reporting period, the Combined Maritime Forces continued to ensure tactical "deconfliction" between all ships and Member States operating in the Gulf of Aden, including a good level of shared awareness and optimal allocation of assets.

25. As indicated in my previous report, CTF-150, which was the first multinational naval force to contribute to the fight against piracy off the coast of Somalia, operated until 11 January 2009. On 22 January, the counter-piracy role was assumed by CTF-151. Depending on operational requirements, CTF-150 and CTF-151 have both typically had assigned to them between five and eight ships and aircraft from various naval forces and personnel from several nations. Several Member States have contributed to the Combined Maritime Forces in the fight against piracy, including Australia, France, Germany, Italy, Pakistan, Canada, Denmark, the Republic of Korea, Singapore, Turkey, the United States and the United Kingdom.

26. Combined Maritime Force operations have successfully deterred several pirate attacks, responded to emergency calls from vessels in distress and seized large quantities of contraband, including weapons, drugs and paraphernalia.

Additional efforts by Member States

27. Several Member States have independently contributed to the international counter-piracy efforts off the coast of Somalia. Japan, China, the Russian Federation, India, Malaysia, the Republic of Korea, Saudi Arabia, the Islamic Republic of Iran and Yemen have all deployed naval ships and/or aircraft to fight piracy in the region. Those fleets, in varying degrees of coordination with the coalition forces, have escorted hundreds of merchant ships from their own country and those of other Member States, provided close protection for designated merchant vessels, including for vessels released by pirates, conducted rescue operations for vessels in distress and confiscated large quantities of weapons and other contraband.

Coordination of military and civil-military initiatives

28. In my previous report, I noted that the European Union Naval Force was in the process of putting in place various mechanisms that would facilitate the coordination of the naval protection provided by the three multinational maritime coalitions and independent navies of several Member States, as well commercial maritime traffic off the coast of Somalia. I welcome the close cooperation and coordination between the various naval forces and the merchant ships transiting the area.

29. The primary mechanism that successfully brings together the naval forces to achieve a common aim is the Shared Awareness and Deconfliction (SHADE) group led by the Combined Maritime Forces and European Union Naval Force. SHADE is a voluntary international military group established in December 2008 as a means of sharing best practices, conducting informal discussions and "deconflicting" the activities of those nations and organizations involved in military counter-piracy operations in the region. Initially, SHADE participation involved only the Combined

Maritime Forces (based in Bahrain), the European Union Naval Force and NATO. However, over the reporting period it rapidly expanded to include many regional nations and navies operating under independent mandates, such as those of China, India, Japan and the Russian Federation. SHADE meets on a monthly basis at the expert level in Bahrain, at the most recent meeting, 26 nations were represented, together with three coalitions and representatives from industry.

30. The achievements of SHADE over the past 11 months include the emergence of coordinated and focused military naval operations off the coast of Somalia; command opportunities and assets being shared across SHADE participants, such as Singaporean and Turkish commanders operating from United States warships; the establishment of an internationally recommended transit corridor in the Gulf of Aden, which was endorsed by IMO in July 2009; the development of an internationally recommended transit corridor coordination guide; and significantly improved coordination with industry.

31. The Operation Atalanta Maritime Security Centre — Horn of Africa (MSC-HOA) is a civil-military coordination centre with the task of safeguarding merchant shipping operating in the region by preventing and deterring acts of piracy in the Gulf of Aden, off the Horn of Africa and in the Somali Basin. The Centre's innovative and powerful Internet portal enables the European Union Naval Force to liaise and communicate with the international merchant community, allowing vessels to register their movements and receive advice on best practices and updates on piracy activity in the region. Mercury, an innovative military communications system developed during the reporting period, allows the military naval forces in the region, including all SHADE participants, to communicate in real time.

32. Other cooperative frameworks and arrangements include the United Kingdom Maritime Trade Organization office in Dubai, which acts as a point of contact for merchant vessels and liaison with military forces in the region. The Dubai office also administers the voluntary reporting scheme, under which merchant vessels are encouraged to send regular reports while transiting the region bound by the Suez, 78° E and 10° S. Information gathered by the Dubai office is passed to the Combined Maritime Forces and European Union headquarters, enabling emerging and relevant information affecting commercial traffic to be passed directly to ships, improving responsiveness incidents and saving time.

33. Another example is the Maritime Liaison Office, which facilitates the exchange of information between the Combined Maritime Forces and the commercial maritime community in the Middle East. Its support to the commercial maritime community currently spans 27 nations, including 7 in the Horn of Africa. To help combat piracy, the Maritime Liaison Office serves as a secondary emergency point of contact (after the United Kingdom Maritime Trade Organization) for mariners in distress and also disseminates transit guidance to the maritime industry.

VI. Further efforts to safeguard international navigation

A. Shipping industry

34. On 29 May 2009, the Bahamas, Liberia, the Marshall Islands and Panama became the first signatories to the New York Declaration — a sign of commitment by Member States to the promulgation of internationally recognized best management practices for the protection of ships against piracy. As at the date of the present report, the Declaration had five additional signatories: Cyprus, Japan, Singapore, the United Kingdom and the United States of America. Those signatories now account for more than 50 per cent of the world's shipping by gross tonnage.

35. As part of the efforts of the international community to protect merchant shipping and in addition to the promulgation and dissemination of internationally recognized best management practices for self-protection, the Marshall Islands has established a system of immediate communication with MSC-HOA for ships under attack. However, while the use of the best management practices has proved successful, some Member States have called for a single point of entry for all calls from vessels in distress.

36. The improved self-protection of ships is the result of a number of initiatives, including the efforts made by IMO since 2005 to outline number of specific actions to be taken by Governments (IMO Assembly resolutions A.979(24) and A.1002(25)), and its revision of the recommendations given to Governments (MSC.1/Circ.1333) as well as the guidance to shipowners and ship operators, shipmasters and crews (MSC.1/Circ.1334), updating the global counter-piracy guidance issued and revised, on a number of occasions in response to emerging practices, by IMO since the 1990s. In addition, it has recommended the use of the internationally recommended transit corridor and promulgated for use by Governments and the industry the contact details of security forces operating ships in the area (MSC.1/Circ.1302 and Safety of Navigation Circular SN.1/Circ.281) and the industry-developed best management practices (MSC.1/Circ.1332 and MSC.1/Circ.1335). IMO is also reviewing the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships, which was adopted in November 2001. All of those IMO instruments help to raise the level of situational awareness among seafarers, the shipping industry and Member States.

B. Civil-military cooperation

37. Another key element of the strategy to protect global maritime trade transiting the waters off the coast of Somalia is enhanced civil-military cooperation. The internationally recommended transit corridor is now the primary method for merchant vessels transiting the Gulf of Aden and is supported by naval forces involved in counter-piracy activities in the region, including Operation Atalanta, the Coalition Maritime Forces, NATO, China, Japan, the Republic of Korea and some regional countries. This system enables commercial shipping registering in advance using MSC-HOA to transit "high risk" seas at appropriate times protected by naval assets patrolling the relevant area. By grouping merchant shipping by speed, with staggered starting points, the mechanism allows for close monitoring and quicker response by the nearest naval asset in case of emergency. In comparison with convoys and escorts, group transit has proved to be a very effective use of limited

military assets to protect the maximum number of vessels. I welcome the close cooperation and coordination between the various naval forces and the merchant ships transiting the area.

VII. Strengthening regional maritime, legal and law enforcement capacity

A. Implementation of the Djibouti Code of Conduct

38. The Djibouti Code of Conduct, which was adopted at a meeting convened by IMO in January 2009, is a central instrument in the development of regional capacity to combat piracy. IMO is assisting in the implementation of the Code in cooperation with the United Nations Office on Drugs and Crime, INTERPOL, the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, a number of its member States and a number of navies. Its main objective is cooperation to the fullest possible extent, and in a manner consistent with international law, in the repression of piracy and armed robbery against ships, with a view to sharing and reporting relevant information through a system of national focal points and piracy information exchange centres in Kenya, the United Republic of Tanzania and Yemen; interdicting ships suspected of engaging in acts of piracy or armed robbery against ships; ensuring that persons committing or attempting to commit acts of piracy or armed robbery against ships are apprehended and prosecuted; and facilitating the proper care, treatment, and repatriation of persons subject to acts of piracy or armed robbery against ships, in particular those who have been subjected to violence.

39. The Djibouti Code of Conduct also addresses shared operations — both between signatory States and with navies from outside the region — such as nominating law enforcement or other authorized officials to embark on the patrol ships or aircraft of another signatory. Furthermore, each signatory undertakes to review its national legislation with a view to ensuring that there are national laws in place to criminalize acts of piracy and armed robbery against ships, and that they are also adequate guidelines for the exercise of jurisdiction, the conduct of investigations and prosecutions of alleged offenders.

40. In order to assist States in better implementing the provisions of the Djibouti Code of Conduct with respect to situational awareness, IMO will continue to work with international organizations and IMO member States in the implementation of technical cooperation projects. Thus, focal points from each State signatory to the Djibouti Code of Conduct are undertaking a range of training activities, including a regional workshop in Seychelles in October, conducted by IMO, in conjunction with the United Nations Office on Drugs and Crime, INTERPOL and the Information Sharing Centre, as well as participating in capacity-building workshops organized by the Centre in Singapore and the Philippines in November 2009.

41. IMO activities to implement the Djibouti Code of Conduct, currently funded through the IMO technical cooperation programme, will be funded through the Djibouti Code trust fund, a multi-donor fund established following significant donations from Japan. The trust fund is being administered by IMO and is independent from, but complementary to, the international trust fund supporting initiatives of the Contact Group on Piracy Off the Coast of Somalia.

42. The IMO secretariat has recently undertaken a review of national legislation from contracting Governments based on a request included in Circular letter No. 2933 of 23 December 2008. The secretariats of IMO and United Nations Office on Drugs and Crime have drawn a number of preliminary conclusions which indicate a lack of appropriate implementation reflecting the universal character of the jurisdiction of the United Nations Convention on the Law of the Sea related to piracy. Significant improvements in terms of arrests and prosecution for piracy may be achieved when law enforcement personnel engaged in the suppression of piracy and armed robbery have sound legal protection when carrying out their duties. In this regard, IMO experts work in close cooperation with their counterparts from the United Nations Office on Drugs and Crime. The Office of Legal Affairs and IMO will be working closely with the United Nations Office on Drugs and Crime to complete the legislative review and to consider how best to assist States in taking appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy.

43. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, as the secretariat of the United Nations Convention on the Law of the Sea, has a mandate to assist States and international organizations in the uniform and consistent application of the provisions of the Convention, including those relating to the repression of piracy. In this regard, the Division provides information and advice to States and international organizations, on request, regarding the international legal framework, as contained in the Convention, for the repression of acts of piracy. It also provides information to the General Assembly on recent developments relating to piracy and armed robbery against ships in the annual report of the Secretary-General on oceans and the law of the sea.

44. IMO has competence to assist national authorities in enacting international maritime conventions under its purview, and the United Nations Office on Drugs and Crime has competence to assist national authorities with the development of criminal law expertise and the implementation of international crime conventions and standards and norms. The Office has been working to enhance the capacity of regional States to ensure fair trials within the framework of the rule of law.

45. It is critical to assist States in prosecuting suspected pirates in order to deter further acts and fight against impunity for those crimes. The United Nations is helping regional States to address weaknesses in their piracy legislation and to strengthen their criminal procedures and capacities. The United Nations Office on Drugs and Crime, as mandated in resolution 1851 (2008) and pursuant to its mandates to assist Member States in their struggle against serious crime, is providing targeted support and capacity-building to regional countries, such as Kenya and Seychelles, which have entered into an agreement to undertake piracy prosecutions to ensure that the trials and detention are fair, humane and efficient and take place within a sound rule-of-law framework. The main elements of the programme include legislative review and assistance, support for the police, prosecution and judiciary, the provision of logistics and information technology, witness and trial support, prison repairs and refurbishment, training of prosecution, police, maritime authorities and prison management and officers and the development and sharing of regional expertise.

46. Currently, the core support provided by the United Nations Office on Drugs and Crime is focused largely on Kenya, where 100 piracy suspects are undergoing

trial and a further 10 convicted pirates are serving sentences. In the context of the joint European Commission/United Nations Office on Drugs and Crime programme, the Office has reviewed legislation in regional States and agreed on action plans to amend it, where necessary, to support piracy prosecutions; supported prosecutors through training and office improvements; developed court facilities (including the introduction of an entirely new courtroom for piracy and other large trials in Mombasa); delivered witnesses to trial; and substantially improved prison conditions and reduced overcrowding through a judicial review programme and improved police practices and evidence-handling. The Office also worked with the Kenyan authorities to prepare handover guidance on the transfer of suspected pirates to Kenya for prosecution, and this has been widely distributed to naval forces.

47. The United Nations Office on Drugs and Crime will extend those capacity-building measures to other countries in the region that are willing to undertake the prosecution of piracy suspects to reduce the burden presently placed on Kenya. The Office has already provided direct support for the first piracy prosecutions in Seychelles, and will implement a full programme of support for future piracy prosecutions. The Office is also currently working with a number of other regional countries that are considering undertaking piracy prosecutions.

B. International law enforcement efforts

48. INTERPOL is supporting the needs of law enforcement in the region to fight piracy in three areas: increasing the exchange of intelligence; building regional police capacity; and cooperating with other international and regional organizations. The first priority has been to promote information-sharing between INTERPOL, national and regional police agencies, the United Nations, IMO, international and national naval forces and representatives of the shipping industry. All countries in the region are members of INTERPOL. Police entities can share sensitive information through the INTERPOL I-24/7 global secure communications network. Of particular interest is the fact that the legal framework for I-24/7 contains modalities that enable the sharing of information for law enforcement purposes with other entities operating in the anti-piracy field, such as naval vessels.

49. INTERPOL is working with national and regional police agencies (e.g. the Eastern Africa Police Chiefs Cooperation Organization), United Nations entities and the Contact Group to help identify and address the capacity needs of police in the region and to enhance cooperation. For instance, INTERPOL is holding regional workshops for investigators that also help create effective police networks.

50. The organization is working together with the co-drivers from the United States Department of State and the foreign and Commonwealth Office of the United Kingdom, and will host a conference relating to maritime piracy financial investigation in the near future. The objective is to provide a forum for financial investigation experts and policymakers to enhance cooperation, experience and information-sharing with a view to tackling maritime piracy problems by tracing the money trails.

51. INTERPOL has opened an office equipped with I-24/7 in the port of Mombasa, Kenya, as a satellite office of its national central bureau in Nairobi and trained the police personnel. With a view to promoting information-sharing and cooperation, the office is adjacent to the Kenyan police office in the port. With

regard to Somalia, INTERPOL is trying to revitalize the I-24/7 connection of the national central bureau in Mogadishu that was lost as a result of a lack of electrical power. INTERPOL is encouraging member countries to expand access to I-24/7 beyond their national central bureau to other relevant law enforcement entities, and will hold training sessions on I-24/7.

VIII. Addressing the root causes of piracy off the coast of Somalia

A. Actions taken by Somalia to counter piracy

52. The efforts made by the various Somali authorities, as signatories to the Djibouti Code of Conduct, to curb piracy and armed robbery at sea off the coast of Somalia have varied, owing to the differing available resources, legislative frameworks and levels of political stability and security existing in the country. Anti-piracy activities by the Transitional Federal Government continue to face numerous challenges, as highlighted by the Transitional Federal Government Police Commissioner during the 78th INTERPOL General Assembly meeting, held in Singapore, including a lack of capacity to thwart, curb or investigate piracy in areas under the control of the Transitional Federal Government. Despite the numerous challenges, the Transitional Federal Government is planning to reactivate the Somali coastguard as part of the Somali Police Force, and has trained 650 naval forces.

53. In October 2009, Transitional Federal Government law enforcement and security officials conducted, in partnership with international counterparts (the United States, the European Union and the United Nations) a comprehensive security sector assessment, including an assessment of the capacity of the Transitional Federal Government to patrol Somali coastal waters. The results of the assessment will be published in November 2009, allowing for the identification of needs and approaches for the Transitional Federal Government and its security sector, including its coastguard capacities. The design of the civilian police coastguard will be finalized in the short term and presented to donors for funding.

54. In addition to training and providing technical assistance to the Somali coastguard, the Transitional Federal Government has requested assistance for providing for viable livelihoods in the coastal communities concerned in terms of educational and training facilities and cold storage facilities for fish catches.

55. On 23 August 2009, representatives from the Transitional Federal Government and "Puntland" agreed to jointly cooperate on means of fighting piracy, establish a centre for the Somali marine forces, establish training facilities in "Puntland" for the Somali armed forces and provide necessary logistics and material support. On 9 September, representatives of the Transitional Federal Government and Djibouti agreed to accelerate the implementation and establishment of the planned Djibouti training and information centre for anti-piracy purposes and to train the Somali maritime security forces.

56. In "Puntland", the authorities have succeeded in launching limited relevant activities to thwart, curb or investigate piracy. A total of 110 people suspected of acts of piracy are reported to be held in Bossaso prison. An unknown number of them have been convicted of acts of piracy, and the other detainees are awaiting trial or are on remand. The completion of a new prison with a capacity for 600 inmates in

Bossaso is also expected to contribute to the remanding of convicted pirates from neighbouring Member States. The "Puntland" authorities have also engaged in sensitizing local communities, through local media, traditional elders and religious leaders, to raise awareness of the dangers and attractions of piracy for unemployed youth.

57. An effective independent law enforcement and prosecution office and strong district administrations are necessary to prosecute and deter acts of piracy and armed robbery at sea off the coast of Somalia. The re-establishment of a police presence in coastal districts is necessary, as sporadic interventions will have only limited success.

58. In "Somaliland" the authorities are planning on reinforcing their maritime police capacity under the Minister of the Interior. Standing at approximately 325 full-time paid staff and 45 volunteers, the "Somaliland" coastguard has been conducting operations against human trafficking, illegal fishing and the smuggling of illegal commodities and engaging in regional environmental protection activities, in addition to successfully interdicting and capturing piracy suspects. Despite limited resources in terms of speedboats, land-based vehicles and radio communication equipment, the "Somaliland" coastguard has shared and exchanged information with the international naval forces off the coast of Somalia. Authorities in "Somaliland" have made significant efforts in the port of Berbera, with assistance from Norway, to improve and enhance security so that the port complies with IMO requirements, chapter XI-2 of the International Convention for the Safety of Life at Sea and the International Ship and Port Facility Security Code. The port of Berbera has implemented special security procedures for access control, surveillance, security checks and the handling of ships, having a tangible counter-piracy effect for ships docking in the port.

59. The lack of regulatory clarity in Somalia may hamper the ability of the country to effectively protect its maritime interests. The Transitional Federal Government of Somalia may wish to consider reviewing and, if appropriate, updating its national legislation, in conformity with the provisions of the United Nations Convention on the Law of the Sea. For example, the adoption of national legislation implementing the provisions of the Convention in the exclusive economic zone is a key step in the development of an effective legal basis for combating illegal unregulated and unreported fishing in Somali waters.

B. United Nations land-based initiatives

60. Nairobi provides a nexus for agencies working in Somalia and the surrounding region. A subset of the United Nations country team for Somalia has met regularly, together with UNPOS, to advance land-based responses to piracy off the Somali coast. The group reports as cluster 2 of the sub-working group on piracy of the Somalia Integrated Task Force. Individual members of the Nairobi cluster also have links to the other three clusters of the sub-working group. Participants include UNPOS, the Food and Agriculture Organization of the United Nations, the International Labour Organization, IMO, INTERPOL, the International Organization for Migration, the Somalia Monitoring Group, the United Nations Development Programme, the United Nations Office on Drugs and Crime and WFP.

61. Cluster 2 members have worked together to document ongoing activities in sectors and geographic areas that are of relevance in addressing the root causes of piracy. In the initial stages, these were not responses to piracy per se, but a recognition of areas that could be scaled up in order for a response to be effective.

62. In addition to the cluster 2 work, UNPOS and the United Nations country team are working together to develop policy coherence papers, including one on security and one on piracy. Those papers will underpin the future work of the two bodies.

63. It is important to understand that the tools for moving forward in relation to land-based responses already exist. What is needed is commitment and resources to scale up existing knowledge and interventions. Those interventions should be livelihoods-based and allow for the integrated development of the necessary institutional systems. A strong institutional system will be able to take ownership of and then address the piracy problem. If ownership remains external, the solutions will not be sustainable.

64. The United Nations country team, in consultation with authorities, communities and non-governmental organization partners, has developed the United Nations Transition Plan, a common plan for all United Nations agencies, funds and programmes in Somalia for 2008-2010. It is based firmly on objectives set out in the Somali reconstruction and development programme, a study carried out by the United Nations, the World Bank and Somali partners. Five overall outcomes are identified in the Transition Plan: (a) the strengthening of key federal, "Somaliland" and "Puntland" institutions; (b) improved service delivery by local governance in selected locations; (c) improved security and protection under the rule of law; (d) better access to education and health; and (e) improved food security and economic opportunities (livelihoods). Many aspects of the Transition Plan relate to the issue of piracy, but outcomes 4 and, in particular, 5, look to the communities and their livelihoods as an entry point to reduce the need for piracy as an occupation.

65. Cluster 2 has developed a matrix which will enable members to prioritize areas of intervention on the basis of parameters of location, timescale, modalities and partners.

66. Geographic areas prioritized would be in "Somaliland" and "Puntland", moving south to the Hobyo area, with both coastal communities and the immediate pastoral hinterland being addressed, so as to reduce the potential for local resource-based conflict. A planning time horizon of two years was used, based on realistic delivery and absorption capacities. The modality is seen as working collaboratively under a joint programming approach with authorities, including districts, municipalities and traditional systems, communities and the private sector.

67. The sectoral priorities identified include the following broad categories:

(a) Livelihoods: budget estimate $5 million-$10 million; focus on institutional capacities, policy and legal issues and on licensing, broad support to trade, an enhanced fishing sector with storage and environmental protection;

(b) Security sector: budget estimate $5 million-$10 million; focus on policing, courts, custodial services and facilities;

(c) Border management: budget estimate $2 million-$3 million; focus on immigration procedures and linkages to migration to Yemen;

(d) Critical infrastructure: budget estimate $10 million-$15 million; focus on linkages to immediate job creation, health, education, water, hygiene and environment;

(e) Critical services: budget estimate $5 million-$10 million; linked to critical infrastructure, e.g., schools, health centres.

68. The prioritization exercise produced a budget envelope of around $30 million-$50 million. It is crucial that a broad-based, coordinated and balanced approach be taken across a number of fronts.

69. The United Nations Office on Drugs and Crime provides technical support to Somalia. Although it may be some time before the circumstances of trial in Somalia have the legal and fairness standards to allow navies to transfer suspects for trial, UNDP is working to improve the prison system and develop a custodial corps. The Programme is also working with the Office to help ensure the development of a custodial system and to ensure that two recently completed modern prisons are staffed, managed and operated in accordance with international standards. Once that work is complete, convicted pirates could be transferred from the regional States in which they have been tried to regions of Somalia to serve all or part of their prison sentences. The Office will encourage the transfer of convicted pirates from Kenya to those prisons in Somalia on the basis of a prisoner transfer agreement.

IX. Piracy and arms embargo-related sanctions

70. Piracy activities constitute a potential violation of paragraph 8 (a) of Security Council resolution 1844 (2008). By raising and maintaining maritime militias, pirate leaders, their followers and financiers may also be in breach of the general and complete arms embargo, and therefore in violation of paragraph 8 (b) of the resolution. Lastly, where acts of piracy involve humanitarian cargo destined for Somalia, they may also be in violation of paragraph 8 (c).

X. Assistance provided to the World Food Programme

71. During the reporting period, WFP continued to benefit from naval escorts provided under European Union Operation Atalanta for humanitarian shipments to Somalia, including life-saving food aid. During that period, the operation made it possible for 28 WFP-contracted vessels to deliver a total of 184,873 tons of food. The operation also provided an escort for critical equipment used for dredging and salvaging in Mogadishu port under a WFP special operation and a shipment for FAO. The European Union operation, which began in December 2008, has been extended until December 2010.

72. Since the escort system began, escorts have been provided at no cost to WFP with an interruption of only two months, in July and August 2008, and no escorted vessel has been the victim of piracy. However, a WFP-contracted vessel, chartered to load a food consignment purchased in India, was attacked and held by pirates following its departure from Somalia to India, forcing WFP to urgently find a replacement vessel. In addition, a ship sailing to the port of Mombasa, Kenya, carrying 27,000 tons of food aid for WFP operations in Kenya, the Sudan and

Somalia, but not under contract to WFP, was attacked by pirates. They failed to hijack it, and the vessel arrived in Mombasa under naval escort.

73. The escalation of piracy in the waters off Somalia has had an impact on the cost of contracting vessels, as fewer vessels are willing to risk sailing to Somalia, thereby reducing competition and causing costs to escalate. The actual rate increases for the ports of Berbera, in northern Somalia and Djibouti, for the Ethiopia operation, have been directly affected by the war risk insurance applied by insurance companies, resulting in an increase of about 30 per cent.

74. Ninety-five percent of WFP humanitarian supplies arrive by sea, predominately at the southern port of Mogadishu from Mombasa, Kenya, and at the northern ports of Bossaso and Berbera from Djibouti. It is crucial that the naval protection for humanitarian shipments continue and that the escorts be clearly distinguished from other anti-piracy efforts in order to maintain and protect the neutrality of the humanitarian operation. The obvious threat to the long-term security of humanitarian maritime supplies is piracy and armed robbery at sea off the coast of Somalia.

XI. Assistance provided to the United Nations Support Office for AMISOM

75. AMISOM plays a crucial role in supporting the Transitional Federal Government, assisting in repelling the insurgents and protecting vital installations in Mogadishu. AMISOM operates in a very difficult and hazardous environment and is subject to continued attacks against its installations as well as mortar attacks against sea shipments delivering cargo for AMISOM in Mogadishu port. As highlighted in my latest report on Somalia (S/2009/503), the United Nations stands firmly by the African Union and AMISOM and pledges to continue its support for the deployment and operations of the Mission. I reiterate my earlier calls on the international community to provide all required support to AMISOM to enable it to continue to support the Transitional Federal Government in maintaining peace and security in Somalia.

76. The United Nations Support Office for AMISOM (UNSOA) is providing a logistical support package in line with Security Council resolutions 1863 (2009) and 1872 (2009). For the delivery of the support package, the sea mode of transportation has proved to be the most feasible. UNSOA commenced regular sea shipments to Mogadishu port as from 26 August 2009 with the support of Operation Atalanta, which has been providing naval escorts for the United Nations-contracted vessels. At this stage, the frequency of UNSOA shipments is approximately one vessel every 14 days for cargo, comprising food ration reefers and sea containers, vehicles and other goods, from Mombasa to Mogadishu. It is important to note that on the return leg (Mogadishu to Mombasa), the food ration reefers and other containers, in addition to equipment returned for repairs, are being sent back to complete the cycle, making them a potential target for attacks. It is therefore important that a naval escort be provided on both legs of the journey. In addition, there will be a requirement for a strategic sealift of contingent equipment for additional troop deployments, as and when required. As AMISOM expands to reach its mandated strength, such requirements will continue to grow.

77. Four of five shipments to AMISOM have been attacked to date. On 16 August, and 11 and 27 September, vessels came under attack from insurgent mortars while in Mogadishu port, resulting in the deaths of 5 and 17 civilians in the first two incidents, respectively. Another vessel was attacked by pirates on 27 August near Mogadishu, but evaded capture. Those attacks were additional to the attacks against a United Nations shipment of military equipment to AMISOM on 12 February 2009, when insurgents fired mortar bombs while the ship was unloading.

78. The most obvious threat to the long-term security of the United Nations supply line to AMISOM is attacks against Mission shipments in the form of mortar attacks on vessels calling on Mogadishu port, piracy, in particular in brown waters off the port of Mogadishu, and the potential for armed robbery at sea. UNSOA shipments carry critical life-support items such as food rations and other critical equipment. Such attacks will have a direct impact on the provision of the logistical support package to AMISOM, and as such its sustainment and, thus, its operational capability and capacity to support the Transitional Federal Government. UNSOA will face difficulties in securing vessels that agree to deliver their supplies to the region, which might put the entire support operation under considerable risk or, if cargo has to be airlifted, pose a considerable financial drain.

79. In order for the United Nations to continue to provide AMISOM with the support package pursuant to the respective Security Council resolutions, it is necessary that guaranteed and reliable protection continue to be provided to United Nations shipments contracted for that purpose. I would like to thank Operation Atalanta for its support and encourage its continued support, together with NATO, CTF-151 and Member States with navies operating in the region, in providing guaranteed protective escorts for the United Nations-contracted vessels in support of AMISOM. I also welcome the proposal of Operation Atalanta to deploy vessel protection detachments once regulatory approvals are in place.

XII. Coordination and leadership role of the United Nations

80. The United Nations remains committed to addressing the problem of piracy and armed robbery at sea off the coast of Somalia in all its aspects. A central pillar of its capacity to do so effectively is the ability to coordinate the various counter-piracy activities of the United Nations departments, programmes and specialized agencies. Since my previous report, the United Nations Integrated Task Force for Somalia has established a sub-working group, chaired by the Department of Political Affairs, for that purpose. The working group brings together all the relevant United Nations entities, including IMO, as well as INTERPOL and the Somalia Monitoring Group. The group meets regularly in New York and is complemented by a similar group established by UNPOS, which coordinates the work of Nairobi-based United Nations entities with New York.

81. The sub-working group mechanism of the United Nations Integrated Task Force ensures that the United Nations Secretariat is well equipped to act as the clearing house for information-sharing with the Contact Group and is an essential instrument for ensuring a coordinated approach on the ground by leveraging the comparative advantages of different entities and avoiding the duplication of activities. Furthermore, the Department of Peacekeeping Operations continues to

play a key role in the sharing of relevant naval information with Member States and international organizations on matters related to piracy off the coast of Somalia.

XIII. Observations

82. Member States operating in the territorial waters and high seas off the coast of Somalia developed complex and comprehensive military naval operations and corresponding coordination mechanisms during the reporting period. At this stage, the various military operations being conducted off the coast of Somalia and in the Gulf of Aden in the fight against piracy and armed robbery at sea necessitate a lead role and coordination arrangements that go beyond the operational capacity and resources of the United Nations Secretariat. I continue to urge those who are able and have the required capacity to contribute to this effort in compliance with relevant Security Council resolutions.

83. I consider that one of the ways to ensure the long-term security of international navigation off the coast of Somalia is through a concerted effort to stabilize the situation ashore, as pirates have become more sophisticated in their methods and techniques of attacking. At present, however, the expanding maritime presence is playing a critical role in stabilizing the situation at sea. Moreover, it is very likely that the number of successful attacks would again increase if military assets were to be reduced.

84. I would again like to reiterate my appreciation to the European Union, through its naval operation, European Union Naval Force Operation Atalanta, and to NATO member States for the consistent support for the protection at sea of WFP humanitarian shipments and United Nations vessels delivering the logistical support package to AMISOM.

85. The efforts of States in deploying naval ships and military aircraft to suppress piracy and armed robbery at sea off the coast of Somalia, as well as better self-protection of ships transiting the area, have considerably reduced the number of successful incidents of piracy and armed robbery at sea in the region, especially in the Gulf of Aden. In this connection, I welcome the 2 November 2009 letter from the Permanent Representative of Somalia to the President of the Security Council renewing the request of the Transitional Federal Government for assistance in securing the international and territorial waters off the coast of Somalia for the safe conduct of shipping and navigation.

86. The coordination mechanisms developed between the international naval forces, such as SHADE, have been innovative, and I trust that such progressive and comprehensive coordination efforts will continue to integrate the military efforts at sea with concrete preventive measures on land. I am grateful to all States that have deployed naval ships and military aircraft, which have led to an increase in the number of suspected pirates being arrested and prosecuted. I encourage the international community to continue these deployments, including the provision of naval escorts to all designated United Nations- and WFP-contracted shipping transiting the region. Furthermore, I encourage contributing States and multinational organizations to consider how these considerable military forces could contribute further to capacity-building measures to address the root causes of piracy.

87. As I mentioned in my previous report (S/2009/146), any measures taken in both the short and long term to combat piracy and armed robbery at sea off the coast of Somalia will require an integrated approach, inclusive of the further development of the rule of law and security institutions, that complements the peace process, the strengthening of capacity on land of both the Transitional Federal Institutions and AMISOM; local and national capacity-building of legal and maritime institutions in Somalia and the region; the investigation and prosecution of those suspected of acts of piracy and armed robbery at sea; strict compliance with arms embargoes in pursuance of the relevant Security Council resolutions; and development and recovery efforts to empower local communities to create sustainable livelihoods.

88. Coordination between the international community and the Somalia authorities will be crucial in order to successfully combat piracy and its root causes. Recent coordination efforts between the Contact Group on Piracy Off the Coast of Somalia and the International Contact Group on Somalia highlight the complex nature of the tasks being undertaken. Furthermore, at the regional level, full implementation of the Djibouti Code of Conduct will enable States in the region to assume many of the roles currently performed by international naval forces operating off the coast of Somalia, therefore allowing them to play a significant role in combating acts of piracy and armed robbery at sea off the coast of Somalia

89. The progress made towards the establishment of the Sana'a regional maritime information centre and the related training centre in Djibouti will help to address the need for regional capacity-building. The training centre in Djibouti and the regional maritime information centres are expected to play a full part in developing the region's capability for maritime law enforcement and, along with other initiatives under the Djibouti Code of Conduct, will benefit from financial assistance from Member States to achieve their objectives. I encourage Member States to contribute to the IMO Djibouti Code trust fund.

90. I welcome the initiative by INTERPOL and Member States to look into the financial mechanisms providing funding for piracy activities off the coast. Tracing money trails will be important to combat the funding activities of piracy and armed robbery at sea off the coast of Somalia

91. I note the burden on regional States, especially Kenya, for prosecuting suspected pirates apprehended off the coast of Somalia, and urge the international community to provide assistance to ease the burden of these Member States, including by supporting the provision of technical assistance for judicial and correction facilities in the region, including Somalia. In this connection, I encourage Member States to contribute to the international trust fund supporting initiatives of the Contact Group, the overall purpose of which is to help defray the expenses associated with the prosecution of suspected pirates, as well as other activities related to implementing the Contact Group's objectives regarding combating piracy in all its aspects. The fund will expand the current possibilities available to the Contact Group and the shipping industry to make tangible contributions to combating piracy off the coast of Somalia.

92. Most important, it will be crucial for the Somali authorities to continue to re-establish their security institutions, and the rule of law and provide sustainable livelihoods to their people in order to address the root causes of piracy and armed robbery at sea off the coast of Somalia. There is a need for the authorities to demonstrate the political will to counter piracy and armed robbery at sea off the

coast of Somalia by establishing an effective law enforcement and independent justice system. Corruption from all sources, including human trafficking and the smuggling of illegal commodities, needs to be eliminated, including through the prosecution of officials to effectively counter piracy and armed robbery at sea off the coast of Somalia. I reiterate that I stand ready to support the Somali authorities and urge the international community to provide necessary assistance.

93. Efforts that contribute to the security of the ports in Somalia have demonstrated a tangible counter-piracy effect. Such measures include the implementation of special security procedures for access control, surveillance, security checks and the handling of ships. Counter-piracy efforts that strengthen security at ports along the coast of Somalia can effectively prevent pirates from using the Somali territorial sea as a safe haven to elude military forces patrolling the area. I would encourage Member States and regional organizations that are in a position to do so to coordinate efforts to assist the Transitional Federal Government to strengthen Somali port security.

94. While all of the above-mentioned efforts could contribute to alleviating the problem of piracy off the coast of Somalia, it is important that any long-term effort to address lawlessness at sea complement the current political, security, recovery and development efforts being carried out by the United Nations and AMISOM, as detailed in my report on the situation in Somalia dated 20 July 2009 (S/2009/373) and pursuant to resolution 1872 (2009).

95. I encourage the Contact Group on Piracy Off the Coast of Somalia to continue coordinating its initiatives with the International Contact Group on Somalia, chaired by my Special Representative, and reiterate that piracy is a symptom of a wider problem ashore in Somalia and that the only sustainable solution will be effective governance, the establishment of the rule of law and security institutions and the creation of alternative livelihoods in Somalia for stable and inclusive economic growth.

United Nations S/2009/591

Security Council

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16 November 2009

Original: English

Austria, Croatia, France, Germany, Italy, Russian Federation, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004, 1639 (2005) of 21 November 2005, 1722 (2006) of 21 November 2006, 1764 (2007) of 29 June 2007, 1785 (2007) of 21 November 2007, 1845 (2008) of 20 November 2008 and 1869 (2009) of 25 March 2009,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the High Representative's continued role in Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Recalling all the agreements concerning the status of forces referred to in Appendix B to Annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Further recalling the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in Appendix B to Annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR), the Senior Military Representative and personnel of the NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Please recycle

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Recognizing that full implementation of the Peace Agreement is not yet complete, while paying tribute to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the fourteen years since the signing of the Peace Agreement,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while recognizing the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

Noting the reports of the High Representative, including his latest report of 12 November 2009 (S/2009/588),

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President on 10 February 2000 (S/PRST/2000/4),

Welcoming and *encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Taking note of the conclusions of EU Foreign Ministers and Ministers of Defence at their joint meeting on 18 May 2009, which welcomed the positive contribution of EUFOR to the safe and secure environment in Bosnia and Herzegovina, and added that EUFOR continued to provide reassurance and remained ready to respond to possible security challenges throughout the country, and the conclusions of EU Foreign Ministers and Ministers of Defence at their joint meeting on 17 November 2009,

Recalling the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

Further recalling the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (S/2004/917),

Welcoming the European Union's increased engagement in Bosnia and Herzegovina and the continued engagement of NATO,

Reiterating once again its calls on the authorities in Bosnia and Herzegovina to implement in full their undertakings as also confirmed by the PIC Steering Board declaration of 30 June 2009, and recognizing in particular the need to find a solution on State and Defence Property,

Welcoming the progress achieved by Bosnia and Herzegovina on some European Partnership priorities, towards implementing the Interim Agreement and

towards fulfilling the visa liberalization roadmap requirements and calling on the authorities in Bosnia and Herzegovina to strengthen and step up their efforts to complete the urgent reforms highlighted by the European Commission in its 14 October Progress Report to implement the European Partnership and to prepare to meet obligations under the Interim Agreement and in due course the Stabilization and Association Agreement,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Paris Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex) and calls upon the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that under Annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for EUFOR and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its Annexes and Appendices and relevant United Nations Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with Annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (EUFOR), and in the continued NATO presence, established in accordance with its resolution 1575 (2004) and extended with its resolutions 1639 (2005), 1722 (2006) , 1785 (2007) and 1845 (2008), and welcomes their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR) and by maintaining a continued NATO presence;

9. *Welcomes* the EU's intention to maintain an EU military operation to Bosnia and Herzegovina from November 2009;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of 12 months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR and authorizes the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in Annex 1-A and its appendices,

and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with Annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for the compliance with that Annex and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure implementation of those Annexes and the protection of EUFOR and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of the EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR and NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates* its appreciation for the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.

United Nations S/2009/592

Security Council

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Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (UNAMID)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1881 (2009), by which the Council requested me to report every 90 days on progress made towards implementing the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) across Darfur, as well as on progress made on the political process, the security and humanitarian situation, and the compliance by all parties with their international obligations.

2. In accordance with the request of the Council in paragraph 6 of the same resolution, this report also includes, for the Council's consideration, a proposal for a strategic workplan containing benchmarks to measure and track progress made by UNAMID in implementing its mandate.

3. In addition to covering the 90-day reporting period of August through October 2009, the present report also covers the month of July 2009, which was not included in my last report owing to its early submission ahead of the Council's discussions on the renewal of the mandate of UNAMID.

II. Security situation

4. During the period under review, United Nations security phase IV was in effect throughout Darfur, with the exception of the towns of El Fasher, Nyala and Zalingei, where the security phase was lowered to phase III on 10 August 2009. Despite the change in security phase in certain localities, there have been serious negative developments affecting the security and safety of UNAMID staff and the staff of United Nations agencies and non-governmental organizations in Darfur.

5. As of today, two international staff members of UNAMID are still being held in captivity in an unknown location since being forcefully taken from their home in Zalingei (Western Darfur) on 29 August 2009. Two international aid workers employed by an international non-governmental organization (NGO) were kidnapped from their residence in Kutum (Northern Darfur) on 3 July 2009 and held for 107 days before being released on 18 October. On 22 October, an international staff member of an international NGO was abducted near El Geneina (Western Darfur). These incidents of hostage taking of international workers are a new and deeply troubling development in Darfur, with the potential to undermine the efforts

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of the international community. The security implications of these events have already led to the suspension of some activities and programmes by the humanitarian community and are a clear testimony to the risks that United Nations and NGO workers face in Darfur. Until their security is unconditionally guaranteed by all parties in Darfur, the activities of UNAMID and the agencies will continue to be a risky and dangerous undertaking. The safety of both United Nations hostages, meanwhile, remains an urgent concern and efforts are ongoing at the highest levels to secure their safe and unconditional release.

6. UNAMID personnel were also targeted by direct attacks on four occasions during the reporting period, resulting in the death of one peacekeeper. On 26 August 2009, a UNAMID patrol team of three vehicles and one armoured personnel carrier was attacked approximately three kilometres (km) from the Fata Borno camp for internally displaced persons in Northern Darfur. Although the incident resulted in no injuries, the attackers stole one of the vehicles, bringing the total number of vehicles carjacked from UNAMID, United Nations agencies and non-governmental organizations during the reporting period to 19.

7. On 28 September 2009, one UNAMID peacekeeper died and two others were seriously injured in an ambush by unknown armed men on a UNAMID convoy carrying civilian, police and military staff members in El Geneina (Western Darfur). On 29 September 2009, two international staff members were attacked by a group of armed men during a night-time robbery in their residence in El Fasher (Northern Darfur). The attackers tied up the guard and the staff members and threatened them with firearms and knives, inflicting minor injuries. Timely action by the Government of the Sudan police resulted in the apprehension of several of the attackers and the recovery of some stolen items within 24 hours. On 12 October, armed gunmen attacked the UNAMID site in Kutum, during which one UNAMID soldier was shot and wounded.

8. The incidents described above, including kidnapping, ambush, carjacking and violent robberies of staff residences, underscore the extremely difficult and volatile conditions in which UNAMID and other actors on the ground are implementing their respective mandates. In a troubling development, attackers have shifted from remote areas and are striking within city limits, often in the residential neighbourhoods of United Nations staff members.

9. A number of measures were put in place during the reporting period to mitigate security risks faced by staff. Apart from the already existing curfew, UNAMID issued advisories to all staff limiting the driving of vehicles after dark to essential duties only. Toyota "Buffalo" vehicles, for which criminal elements seem to have a marked preference, were taken out of circulation, except during field patrols when accompanied by an armed escort. In addition, the Government of the Sudan reinforced its checkpoints around El Fasher town and its police forces are conducting road checks and patrols around UNAMID installations. Significant efforts have also been under way to ensure that by the end of 2009 all staff members live in residences that meet the Minimum Operating Residential Security Standards.

10. In addition to threats posed by criminal activity, military activities by the parties to the conflict in Darfur continued throughout the reporting period. The Government of the Sudan continued to exert military pressure on the Justice and Equality Movement (JEM) and as the Sudan Liberation Army/Abdul Wahid faction (SLA/AW). Fighting broke out between JEM and Government forces in Adilla and

Alliet localities in Southern Darfur on 2 August 2009. Government aircraft reportedly flew over Abu Sufyan and Um Sauna, north of El Daein, and dropped bombs in areas suspected to be JEM positions. In Northern Darfur, JEM and Government forces clashed near Mellit and Saiyah villages on 5 and 6 August 2009, and again on 9 August 2009 near Kushkush, where JEM ambushed Government troops that were moving to Silea and Kulbus in Western Darfur. UNAMID was able to confirm that Sudanese Armed Forces (SAF) combat helicopters providing air cover for their advancing troops retaliated by bombing areas suspected to be occupied by JEM.

11. Aerial bombardment and troop mobilization were also reported by villagers in Sortony and Saraf Umra in the Jebel Moon area (Western Darfur), with armed clashes between Government forces and SLA/AW in the area on 6 to 7 July 2009. In Northern Darfur, clashes between the Sudanese Armed Forces and SLA/AW were reported around Nertiti near Jebel Marra on 23 July 2009.

12. Since 2 September 2009, UNAMID received reports that Government and SLA/AW forces were engaged in fighting over territory in Korma (Northern Darfur). Following intermittent clashes, including reportedly heavy fighting on 6 September 2009, SLA/AW withdrew from Korma on 17 September 2009, allegedly to avoid civilian casualties. Korma has since been under Government control.

13. Information gathered by UNAMID during its mission to Korma on 29 September 2009 indicates that 13 civilians were killed in the clashes and approximately 31,000 displaced to nearby villages. UNAMID observed extensive looting of Korma and surrounding villages and received reports of sexual violence and other human rights violations.

14. The situation along the Chad-Sudan border remained a matter of concern during the reporting period, with cross-border military activities of the Chadian National Armed Forces in this area affecting security in Darfur. On 16 July 2009, a Chadian aircraft launched two rocket attacks at the eastern border area of Um Dukhum (150 km west of Zalingei, Western Darfur), allegedly targeting Chadian Armed Opposition Groups positions. Shrapnel from the rockets landed in a commercial and residential area, destroying property and putting lives of civilians at risk. The Sudanese Armed Forces announced the closure of the border with Chad in response. Subsequently, Chadian National Armed Forces launched incursions into Sudanese territory on three separate occasions: on 26 July 2009 at Kulbus, and on 28 July and 8 August 2009 at Aroua village (3 km southeast of Kulbus). In the second incursion, Chadian Armed Forces aboard approximately six armoured personnel carriers and seven other combat vehicles invaded Aroua village, looting valuables from locals. Chadian forces also kidnapped and subsequently released two Sudanese soldiers. In the 8 August incident, Government of the Sudan soldiers reportedly briefly engaged the Chadian forces in Aroua (Western Darfur), but no reports of casualties were available.

15. In the context of this ongoing violence, freedom of movement continues to be a serious concern for UNAMID and many of the agencies in Darfur. Since January 2009, there have been at least 42 incidents in which a UNAMID patrol was denied passage by a Government official, including incidents in which Government officials specifically threatened the safety of UNAMID staff and equipment.

16. In September 2009, officials of the Government of the Sudan denied UNAMID access to the area around Korma (Northern Darfur) for 11 days, including a UNAMID investigation patrol on 19 September to Dirma village (15 km from Korma) and a UNAMID patrol to Korma on 25 September. This significantly impeded the capacity of the Mission to verify in a timely fashion the reports of fighting in the area, civilian casualties and humanitarian needs.

17. Access to internally displaced persons (IDP) camps has also been frequently denied to UNAMID by officials of the Government of the Sudan. On 7 August, local Government officials required that UNAMID seek separate permission before undertaking any night patrols in the Zam Zam IDP camp. On 8 August, SAF soldiers in El Fasher warned that UNAMID night patrols in IDP camps in Sector North were no longer permitted, a decision which was later reversed, but which prevented UNAMID patrols for several days. On 11 August, Government police fired shots towards a UNAMID night patrol to Mournei (Western Darfur). On 20 August, a UNAMID night patrol to IDP camps near El Fasher was stopped by an SAF soldier who fired warning shots in the air. On 27 September, a UNAMID night patrol to Zam Zam IDP camp was denied access to the camp by the local SAF commander. On 2 October, a UNAMID night patrol was stopped by Government police in Zalingei, who warned against UNAMID conducting any night patrols. On 4 October, a UNAMID patrol to Zam Zam IDP camp was again prevented from entering the camp. In a positive development, UNAMID was informed in a letter dated 11 October from a local representative of the Government of the Sudan in El Fasher that UNAMID patrols in Sector North would not be impeded going forward.

18. In Southern Darfur, where restrictions of movement of UNAMID patrols are even more common, Government officials have frequently claimed the need to be informed of UNAMID movements, have denied access even when information has been passed to the appropriate Government officials, and have often claimed ignorance of the mandate of UNAMID to conduct patrols through the area, despite the clear right to patrol provided for in the Status of Forces Agreement. UNAMID patrols have been confronted with warning shots, guns pointed at convoys and low overflight by SAF military helicopters in a threatening manner. On 29 September 2009, an SAF representative in Shaeria locality informed UNAMID that the failure to provide authorities with prior notification of a patrol would result in the patrol being attacked.

19. These kinds of threats were repeated against UNAMID on several occasions. On 17 August 2009, UNAMID received a letter from the Civil Aviation Authority in El Geneina stating that two UNAMID helicopters had flown over a Government military base, and warning that if that were to reoccur, the Sudanese military would shoot down UNAMID aircraft. Similar threats were received on 9 July and 1 September 2009 from Government authorities in Shaeria (Southern Darfur). Upon meeting with Government officials to address the threats, UNAMID was advised that local Government commanders would be issued proper instructions. The Mission will continue to work closely with the Government to ensure that this important issue is properly addressed.

III. Political process

20. Over the reporting period, the Mediation continued its consultations with the armed groups and the Government on their concerns, but efforts to resume peace negotiations between the parties were not successful. Both SLA/AW and JEM refused to engage in substantive discussions with the Government of the Sudan. In the meantime, efforts led by the Libyan Arab Jamahiriya, the United States of America, and Egypt to facilitate unification of smaller movements (primarily splinter groups from SLA/AW and JEM) led to the creation of two coalitions of groups in Addis Ababa and Tripoli, but these groups have yet to resolve their leadership differences.

21. Modalities to resume peace talks were discussed during several high-level international meetings on Darfur, including one on 23 September hosted by the Netherlands, one on 24 September hosted by Qatar and the Steering Committee comprised of the League of Arab States and the African Union in the margins of the General Assembly, and one on 6 and 7 October hosted by the Russian Federation in Moscow.

22. During the Mediation's consultations with the Sudanese parties and international partners, it worked to consolidate the emerging consensus that Darfur's adequate participation and representation in the April 2010 elections would be greatly facilitated by the conclusion of a political settlement for Darfur that complements the Comprehensive Peace Agreement and that such an agreement should be reached as soon as possible. Such an approach would require intense and coordinated action on three parallel tracks: (1) the continuation of efforts to facilitate direct dialogue between the Government of the Sudan and the armed movements on the measures necessary to achieve mutual confidence and sustainable security arrangements; (2) the facilitation of consultations between representatives of Darfurian civil society on their needs and priorities for a political settlement of the crisis in Darfur; and (3) the facilitation of Chad-Sudan reconciliation.

23. At an international expert-level workshop held from 12 to 14 October in Doha, the Mediation discussed with experts from the United Nations, the African Union, the League of Arab States, the United Nations Mission in the Sudan (UNMIS), UNAMID and international partners the design and content of the civil society consultation process. There was unanimous agreement that a focus on civil society was appropriate and timely, given the lack of readiness of armed movements and their lack of capacity to represent the interests of all key constituencies in Darfur, and also taking into consideration the readiness and capacity of civil society to engage. It was also agreed that, given the fragmentation and divergence of interests and views among civil society itself, this consultative track could not be a single event, but rather must be a process involving several forums to facilitate a consensus on the key elements of a peace settlement for Darfur. To launch this process, the Mediation will convene a five-day forum of representatives of Darfurian civil society in Doha in the coming weeks, during which their needs and priorities regarding a political settlement will be discussed.

24. The Mediation will work closely with the Government of the Sudan and the armed movements, as well as with international partners, to create the political space for this consultation and agree on modalities for the convergence of the three tracks.

25. The African Union High-Level Panel on Darfur, chaired by former South African President Thabo Mbeki, visited Darfur for the fourth and final round of consultations from 26 to 29 August 2009. On 8 October, Chairman Mbeki submitted the final report of the High-Level Panel to the Chairperson of the Commission of the African Union, Jean Ping, and it was formally presented at the Heads of State summit of the African Union Peace and Security Council in Abuja, on 29 October 2009.

26. Regarding national elections currently scheduled for April 2010, UNAMID continues to support the UNMIS Electoral Affairs Division, principally through the provision of logistical support. The many challenges to holding credible elections in Darfur — foremost the political impediments to free and fair elections — will require a significant increase in the commitment of all stakeholders in the coming months, as well as legislative and technical developments to ensure the meaningful participation of all Darfurians in the elections. Other challenges include the rejection of the census results by many displaced persons, registration requirements that may prevent displaced persons from voting, continuing restrictions on freedom of movement and expression in Darfur, and a precarious security situation in the region.

27. In this context, the creation and the registration of political parties is a particularly difficult issue. With registration currently scheduled to begin on 1 November 2009, few Darfur movements have registered as political parties, and the only party to conduct any election-related campaigns has been the National Congress Party headed by President Bashir, which has held conventions in all three Darfur States.

IV. Humanitarian situation

28. During the reporting period, efforts continued to fill the gaps in the delivery of humanitarian services created by the 4 March 2009 expulsion of 13 international NGOs and the dissolution of three national NGOs. The initial joint assessment of the Government of the Sudan and the United Nations in the four life-saving sectors enabled gaps to be addressed and averted an immediate crisis, but the sustainability of these initial actions remains a critical issue. In remote locations, international presence has been reduced by 50 per cent, as compared to pre-March 2009 levels. The kidnapping of international aid workers has also contributed to this situation, which has led to a serious shortage of residual implementing capacity and a dramatic reduction in monitoring and evaluation capabilities in Darfur.

29. These shortages have contributed to an increase in malnutrition levels, particularly in rural areas, where relief assistance is stretched beyond capacity. In addition, of an estimated 800,000 households that have been left without humanitarian support in the food security and livelihoods sector, more than 40 per cent have not received vital seeds and tools. Livestock vaccination in Darfur remained below 20 per cent of the planned target, while environmental resource protection coverage was insignificant owing to limited funding, despite continued natural resource degradation. In the education sector, expulsions of NGOs left a significant gap, with 27 of 70 administrative localities either partially or not at all covered, potentially eroding gains achieved during the past years. There is an outstanding gap of some 9,100 new teachers in Darfur.

30. Despite these challenges, the non-food items Common Pipeline Project, managed by the United Nations Joint Logistics Centre in support of partner organizations, distributed rainy season non-food items and emergency shelter to 100,781 households throughout Darfur in July 2009 and 38,986 households in August 2009.

31. In September 2009, the World Food Programme suspended its activities in and around Adilla locality in Southern Darfur, as a result of the carjacking of WFP-contracted trucks and looting of supplementary food stuff destined for 10,000 children. This suspension of humanitarian activities, which remained in effect as at 19 October 2009, followed that of World Vision International after an attack on its convoys in the same month.

32. The rainy season brought a number of challenges, including the prevalence of waterborne diseases. Cases of "watery diarrhoea", or cholera, were reported and contained in Zam Zam IDP camp in Northern Darfur, while morbidity remained high in most IDP camps. This situation has momentarily increased the needs for health services in the camps and, in spite of the efforts made jointly by the Ministry of Health, United Nations agencies and newly reinforced NGOs in the health sector, all required needs could not be covered.

33. In addition to the general deterioration in health and sanitation conditions, Zam Zam IDP camp is still grappling with the challenges of inadequate schooling facilities, especially for newly arrived children at the new extension site. In this respect, the Government of the Sudan allowed the United Nations Children's Fund (UNICEF) to help arrange for appropriate schooling facilities in that site. Notwithstanding this positive development, the Government still does not recognize as IDPs the 30,000 new arrivals at the new extension site. In addition, the farmers whose land has been occupied by new arrivals continue to demand compensation for their land, which has the potential to cause conflict between the IDPs and farmers.

34. The rainy season also brought a number of reports of displaced populations returning to places of origin to engage in seasonal cultivation activities, a phenomenon seen in years past. While sustainability and threats of insecurity prevent permanent returns to some places of origin, small numbers of displaced persons have reportedly returned. Assessment teams that succeeded in reaching areas of reported returns were unable to conduct their activities freely, for example, by not being able to speak with returnees. The principal agencies mandated to monitor returns, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), were prevented from maintaining a regular presence in Darfur for much of the reporting period.

35. On 28 and 29 July 2009, the High Level Committee on humanitarian affairs comprising senior Sudanese Government officials, representatives of the diplomatic community, regional organizations and NGOs visited Southern Darfur. The delegation travelled to Shattaia, Gereida and Donkey Dereisa, where it was given updates on the humanitarian situation. The mission was followed by a meeting in Khartoum, which did not discuss the protection situation in Darfur as planned, as the Humanitarian Aid Commission withdrew its presentation on protection.

36. On 5 August 2009, the High Level Committee endorsed the creation of a mechanism to verify the voluntary return of IDPs, as well as to ensure safety and security in return areas, in accordance with international humanitarian principles.

The joint verification mechanism draws on the principles and standards contained in the provisions of the Sudanese National Policy for Internally Displaced Persons (2009) and the international Guiding Principles on Internal Displacement. The objective of the mechanism is to ensure that returns in Darfur are sustainable by enabling IDPs to exercise a free, informed and voluntary choice to return to their areas of origin in safety and dignity. The United Nations Resident Coordinator and Humanitarian Coordinator submitted a proposal for a joint monitoring mechanism for returns to the Government for its consideration, which would include Government and United Nations representatives, including IOM, UNHCR and UNAMID, and civil society and observer organizations. As at 19 October 2009, the Government had yet to officially respond to that proposal.

V. UNAMID deployment

37. As at 28 October 2009, the total strength of UNAMID military personnel was 14,638 out of a total authorized strength of 19,555; that included 13,989 troops, 355 staff officers, 207 military observers and 87 liaison officers. During the reporting period, the second Egyptian infantry battalion and the advance parties of the Tanzanian, Burkinabé and second Ethiopian infantry battalions completed their deployment. Current projections show that the three advance parties of Ethiopia, Tanzania and Burkina Faso will be complemented by the deployment of the battalions' main bodies into Darfur by December 2009.

38. The strength of UNAMID police personnel as at 27 October 2009 was 4,449 (2,752 police advisers and 1,697 members of formed police units totalling 4,449 personnel), representing 69 per cent of the approved strength. Four new Formed Police Units have deployed in the reporting period, one from Senegal, one from Egypt and two from Jordan. A nine-man advance party for the Pakistani Formed Police Unit arrived in the Mission to prepare for that unit to deploy by the end of October. The Senegalese Formed Police Unit was the first of four units, supported by Friends of UNAMID, to arrive in the Mission.

39. As regards the UNAMID civilian component, as at 28 October 2009, the number of civilian personnel stood at 3,921 (1,089 international personnel, 2,452 national personnel and 380 United Nations Volunteers), representing 70 per cent of the approved strength of 5,546. The Mission continues to face difficulties in recruiting and retaining qualified staff owing to the harsh living conditions and unstable security situation in Darfur.

40. Between 1 July and 1 October 2009, the Government of the Sudan issued 1,938 new entry visas. As at 28 October 2009, 56 visas were pending approval. This is a welcome development. However, efforts to secure visas for the personnel of a small group of troop- and police-contributing countries have been unsuccessful, with some requests remaining outstanding for 10 months.

41. The 62 Nigerian armoured personnel carriers, which arrived in Port Sudan on 1 May 2009, and 122 Rwandan vehicles, which arrived on 6 March 2009, were granted customs clearances from the Government of the Sudan on 28 July 2009, and were successfully moved to the Mission area. In addition, following detailed consultations between the United Nations and the Canadian Government, the process of withdrawing the 103 Canadian-loaned armoured personnel carriers from the Mission area was completed: a first batch of 68 armoured personnel carriers was

shipped out of Port Sudan at the end of August and delivered to its final destination; the second and final batch of 35 armoured personnel carriers is expected to be shipped out of Port Sudan by 31 October 2009.

42. Coordinated efforts with national, state and local government authorities are under way to facilitate the deployment of the Ethiopian tactical helicopters. The Chinese engineering company is expected to complete the construction of the new apron for the unit's five helicopters at Nyala airport by end of October 2009. Discussions with the Sudanese Government are ongoing regarding the final location of the unit's ammunition bunker.

43. Furthermore, the continued lack of key military enablers and force multipliers, including two medium transport units, a level II hospital, an aerial reconnaissance unit, and 18 medium utility helicopters, continues to be a source of serious concern for UNAMID. This has negatively affected the Mission's ability to discharge fully its mandate by limiting monitoring and verification activities, hindering quick reaction capability and curtailing the Mission's logistical and medical services.

44. In addition, the unacceptably low standard of medical facilities provided by a great number of troop- and police-contributing countries is of great concern to the Mission. Out of 32 medical units/cells, only 7 are of United Nations standards. UNAMID is currently conducting a full review of these conditions with a view to ensuring that all facilities are brought up to United Nations standards as a matter of urgency.

45. The sixth meeting of the Tripartite Mechanism on peacebuilding initiatives in Darfur, with representatives of the Government of the Sudan, the African Union, the United Nations and UNAMID, was held in Khartoum on 12 July 2009. As a result of the meeting, an agreement was reached to locate the Ethiopian Tactical Helicopter Unit in Nyala airport. However, no progress was made in obtaining a radio frequency for UNAMID. The following meeting scheduled for September 2009 was postponed in order to allow senior management of UNAMID, the Department of Peacekeeping Operations and the Department of Field Support to focus on the ongoing hostage crisis involving two UNAMID international staff members.

VI. UNAMID operations

46. In accordance with its mandate, UNAMID continued to prioritize its protection activities and its efforts to facilitate humanitarian delivery throughout Darfur. In particular, the Mission took significant steps towards expanding its patrolling activities, maintaining a continuous presence in camps for internally displaced persons, and enhancing the capacity of Government and police in Darfur to address issues related to human rights violations, in particular sexual and gender-based violence.

47. In this context, several important expansions of UNAMID protection activities took place during the reporting period. From 24 to 27 July 2009, UNAMID dispatched its first long-range integrated patrol to Tawilla and Kabkabiya in Northern Darfur. More long-range patrols to monitor the security situation, build confidence among the population, and provide protection have since been undertaken and will form an important aspect of UNAMID operations going forward.

48. UNAMID also significantly expanded its night patrolling in August 2009, previously in place only in the Kalma IDP camp, by introducing patrols 24 hours a day, seven days a week, to additional camps in its area of responsibility, including the Zam Zam, Abu Shouk, Al Salaam and Tawilla IDP camps in Northern Darfur; the Ardamata, Krinding 1 and 2, Al-Riyad, and Dorti IDP camps near El Geneina; the Hassa Hissa and Hamadiya IDP camps near Zalingei; and the Otash, Dereige, El Daein, and Graida IDP camps in Southern Darfur. According to impact assessments of night patrols conducted by UNAMID, IDPs of the Abu Shouk and Al Salaam camps indicated that they viewed night patrols as crucial to their safety and reported increased security as a result. While appreciating UNAMID night patrols, IDPs also expressed interest in daytime patrols in farming areas outside of the camps, where they experience high levels of insecurity. This request is being addressed by UNAMID in the context of its ongoing planning.

49. In addition to the expanded patrolling activities, UNAMID has made operational 59 of the mandated 83 community policing centres in the three Darfur States. The physical construction of eight centres was completed during the reporting period, and plans are under way to construct 11 additional centres before the end of 2009. The community policing plan is currently under review by UNAMID in the light of the revised military deployment plan, and some community policing centres will be redeployed to different locations. On 2 July 2009, the women's centre in the Abu Shouk IDP camp in Northern Darfur was officially reopened, after being closed by the Humanitarian Aid Commission in October 2008, and is now being managed by the Women's Development Network under the supervision of the State Ministry of Social Affairs. During the reporting period, UNAMID police provided training to 225 community policing volunteers, and 350 Government police, including 170 officers in the training-of-trainers programme.

50. On 22 July 2009, UNAMID established the Gender Crimes Special Investigation Unit to address the cases of rape in Darfur. The Unit will take on cases of sexual and gender-based violence, encourage reporting of incidents of sexual and gender-based violence, promote capacity-building in Government and police institutions, and sensitize local communities to key issues related to sexual and gender-based violence.

51. Regarding military operations, between 15 August and 1 October 2009, UNAMID military personnel conducted 3,033 confidence-building patrols, 2,729 escort patrols, 1,031 night patrols, and 37 investigation patrols. UNAMID police conducted 10,331 patrols inside IDP camps, including firewood and grass escorts, as well as 3,536 patrols outside IDP camps, including town and village patrols.

52. Following the establishment of the Northern Sudan Disarmament, Demobilization and Reintegration Commission, the Darfur Child Disarmament, Demobilization and Reintegration Programme commenced in July 2009 and is being implemented in collaboration with the Darfur Security Arrangements Implementation Commission and UNICEF. The initial exercise marked the beginning of the process to release 2,000 registered children associated with armed movements in Darfur. UNAMID coordinated and provided security escorts, transportation, medical screening, HIV/AIDS counselling and other logistics. During the reporting period, 144 children associated with the Sudan Liberation Army/Free Will faction were released in Northern Darfur. Plans are under way to

start the Darfur Child Disarmament, Demobilization and Reintegration Programme in Southern Darfur in the coming weeks.

53. During the reporting period, the Darfur-Darfur Dialogue and Consultation held consultations with women representatives in Northern Darfur and Southern Darfur, as well as with youth representatives in Northern Darfur, to discuss and build consensus around six issues of common concern: land and natural resources, security, identity, recovery and development, administration and democracy, and reconciliation.

54. In addition, UNAMID has been exploring ways of increasing outreach to the general population in the absence of a radio station. The Mission is working with mobile telephone companies to disseminate peace messages through their network, and the Mission plans to commence five-hour daily broadcasts on El Fasher, Nyala, El Geneina and Al Salaam (Khartoum) radio stations. UNAMID also proposed the development of radio programmes to increase awareness of sexual and gender-based violence in communities of Northern Darfur and is awaiting the authorization from the State Committee on sexual and gender-based violence to air these programmes on El Fasher Radio.

55. Thus far, UNAMID has delivered risk education on unexploded ordnance to 5,393 people, destroyed 98 unexploded ordnance items, conducted general explosive hazard assessments in 52 villages, and assessed 438 km of road. Scheduled operations resumed at full capacity on 1 October 2009, and the completion of a demining training programme has brought the multitasking teams to full strength. During the reporting period, three children were killed as a result of contact with an unexploded ordnance, and one child and one adult were injured.

56. With regard to the rule of law, good governance and respect for human rights, UNAMID carried out 40 human rights-monitoring field missions during the reporting period. The Mission documented and investigated 61 cases of human rights violations involving 94 victims: 72 victims of sexual and gender-based violence, including 10 minors between the ages of 6 and 17; 36 killings; 12 cases of injury by shooting; and 3 cases of assault of UNAMID national staff.

57. During the reporting period, four UNAMID national staff members and two individual contractors were reportedly harassed, threatened and/or arrested by members of the National Intelligence and Security Services. On 19 August 2009, a UNAMID language assistant accompanying Human Rights Officers to a detention centre in Nyala was threatened by National Security officials and requested not to return to the detention centre.

58. UNAMID investigated 37 cases of pre-trial detention involving 72 people. Human rights concerns were taken up with local authorities, resulting in the release of 28 people from detention without any charges. A total of 44 remained in custody. Sixteen out of the 28 people released without charges were reportedly arrested because of their alleged political affiliation and/or activities.

59. During the reporting period, UNAMID continued its efforts to gain access to two Justice and Equality Movement soldiers in the custody of the Government in Khartoum in order to verify whether they were being treated in accordance with the Government's obligations under international humanitarian law. The two soldiers were among the several injured in the fighting between the Government and JEM

forces near Um Barru, Northern Darfur, in late May 2009. Attempts to gain access to the prisoners were repeatedly denied by Government authorities.

60. In order to address inadequacies in judicial services across Darfur, UNAMID, in collaboration with other United Nations entities, obtained consent to work with the Government to set up mobile courts, pending the restoration of full judicial services in various localities. These include Kabkabiya, Kutum, Um Kadada in Northern Darfur; and Edd al-Fursan, Tulus, Muhajeria, Adeela and Rehaid al-Birdi in Southern Darfur.

61. The first training session on human rights and prison management for 30 staff of the six prison facilities in Northern Darfur was held from 10 to 13 August 2009. During the period under review, UNAMID concluded an assessment of the juvenile justice system in Western Darfur and is undertaking efforts to help set up a dedicated juvenile court. A three-day training was also organized in Western Darfur from 18 to 20 August 2009 for Central Reserve Police officers and soldiers on international human rights and humanitarian law.

62. The UNAMID quick-impact projects initiative continued with the approval of 117 new projects in the areas of health, education, water and sanitation, agriculture, income generation, women's empowerment and shelter. The total number of quick-impact projects implemented by UNAMID partners stands at 34.

VII. Observations

63. As UNAMID nears two years in Darfur, it has made significant strides towards full deployment and is now, more than ever, focusing on its critical tasks of civilian protection and facilitation of humanitarian delivery. However, serious challenges remain, including increased threats to international staff in Darfur, ongoing military activities between Chad and the Sudan and within Darfur, limitations on the freedom of movement and access for UNAMID and humanitarian personnel, and a failure of the parties to the conflict to commit to a comprehensive negotiated settlement to the crisis.

64. The four kidnapping incidents of staff of international non-governmental organizations that have occurred since March 2009, and the recent kidnapping incident of two UNAMID staff in Zalingei on 29 August 2009, represent an extremely alarming development for international staff serving in Darfur. UNAMID personnel continue to be the target of criminal activity and banditry, including harassment and violent attacks.

65. I am also deeply concerned at the reports of ongoing fighting between the Government of the Sudan and rebel groups in Darfur. UNAMID has documented that clashes occurred between SAF and SLA/AW on 23 July in Jebel Marra and on 2 September in Korma, the latter of which resulted in the killing of 13 civilians. Fighting between SAF and JEM forces on 5 and 6 August in Northern Darfur and 9 August in Western Darfur has put civilians' lives at risk and demonstrates that the parties have not made a full commitment to a political solution to the Darfur crisis.

66. In the context of the ongoing violence in Darfur, freedom of movement for UNAMID and humanitarian personnel is absolutely critical. The repeated incidents of Government officials preventing access to UNAMID patrols are a direct violation of the Status of Forces Agreement with the Government of the Sudan and a serious

impediment to the Mission's capacity to implement its mandate. In particular, where populations have been made more vulnerable by violence, I urge the Government to intensify its efforts to ensure that UNAMID and humanitarian personnel are granted full access to affected areas. The letter dated 11 October 2009 from a Government official to UNAMID, indicating that patrolling activities in Northern Darfur would not be further obstructed, is a positive development.

67. During the reporting period, serious security incidents also took place along the Chad-Sudan border, including clashes between Chadian and Sudanese armed forces on 16, 26 and 28 July and 8 August 2009. I again call on all parties to exercise restraint, to cease support for rebel groups in both Chad and the Sudan, and to work in good faith towards a secure environment in Darfur. In a positive development in this regard, a Sudanese delegation, led by Sudanese presidential adviser Ghazi Salah Al-Deen, travelled to N'Djamena on 10 and 11 October to meet with President Déby. A joint statement was issued affirming the States' commitment to improving relations. I welcome this statement and reiterate that good relations between the Sudan and Chad are the sine qua non for peace in Darfur.

68. In the meantime, the political process for Darfur has reached a critical juncture. Despite the extraordinary efforts of the key States and the Joint Chief Mediator, the movements have not shown themselves ready to unify and engage in substantive discussions in Doha. For its part, the Government of the Sudan has declared its readiness to engage in the political process, although Government military operations in Darfur continue. The Mediation's increasing focus on Darfurian civil society reflects the lack of readiness on the part of the movements and the Government, as well as an understanding that the people of Darfur must be represented in any future peace agreement. I urge all parties to the conflict to use this opportunity to re-engage with the peace process in good faith, with a view to achieving a sustainable peace for all Darfurians.

69. The Mediation's efforts to reflect the views of the people of Darfur in the peace process offer a critical opportunity to maximize the participation of Darfurians in the upcoming elections. As the Mediation moves forward in identifying the priorities of Darfurian civil society, it will open the possibility for discussions with the Government of the Sudan on issues that must be addressed to ensure that the elections are a credible step towards meaningful participation of Darfur at the national level in the Sudan. As an initial step, concerted efforts must be made by the Government of the Sudan to ensure that all groups in Darfur, especially internally displaced persons, are able to participate in an atmosphere of free expression and with full freedom of movement. The related political, technical and security challenges must all be addressed in this regard. I urge all stakeholders to take concrete steps at the political level to guarantee a credible electoral process.

70. The report of the African Union High-Level Panel on Darfur is an important initiative and a serious effort to address the issues of peace, justice, accountability and reconciliation in Darfur. The recommendations of the Panel, which were endorsed by the African Union Peace and Security Council on 29 October 2009, provide a valuable opportunity going forward, and the United Nations is in the process of a thorough review of all aspects of the report and its recommendations, with a view to maximizing complementarity between the work of the Panel and the mandated activities of the United Nations in the Sudan. I look forward to further

deepening the strategic partnership between the United Nations and the African Union in this regard.

71. Finally, I wish to express my gratitude for the work of UNAMID's first Joint Special Representative, Rodolphe Adada, as well as the Mission's first Force Commander, General Martin Luther Agwai (Nigeria), who both completed their tours of duty in August 2009. I extend to them the deep appreciation of the Organization for their contributions to the establishment of UNAMID.

72. UNAMID Police Commissioner Michael Fryer and Deputy Police Commissioner Elizabeth Muwanga will finish their tour of duty with UNAMID on 20 December 2009. I wish to extend to them my gratitude for the work they have done to establish the UNAMID police presence in Darfur.

73. In this connection, it is my pleasure to inform the Security Council that Deputy Joint Special Representative Henry Anyidoho has assumed the functions of the Joint Special Representative ad interim. Furthermore, as of 1 September 2009, Mohamed B. Yonis has been appointed Deputy Joint Special Representative for Operations and Management and Lieutenant General Patrick Nyamvumba (Rwanda) has taken up the post of UNAMID Force Commander. I would also like to thank Member States, including donor and troop-contributing countries, for their continued support of the deployment and operations of UNAMID, and for their efforts to encourage the parties to stop the cycle of violence and instead work towards a peaceful solution to the crisis in Darfur.

Annex I

UNAMID workplan on mandate implementation

1. In accordance with the request made by the Security Council in its resolution 1881 (2009), a strategic workplan was developed in consultation with the African Union that contains benchmarks to measure and track progress made in implementing the mandate of UNAMID. To this end, four priority areas have been developed for concerted action required to realize the overall goal of the international community of achieving a political solution and sustained stability in Darfur. Progress in these areas would require the implementation of the mandate of UNAMID, and would also require substantial action by the United Nations country team, Government of the Sudan institutions and other stakeholders, including community leaders. The four areas are: (a) the achievement of a comprehensive political solution; (b) the achievement of a secure and stable environment; (c) the enhancement of the rule of law, strengthened governance and human rights; and (d) the achievement of a stabilized humanitarian situation.

Assumptions

2. The ability of UNAMID to proceed with implementing the workplan is predicated upon the following assumptions: (a) the peace process, under the leadership of the Joint Chief Mediator, will continue and eventually lead to the conclusion of a comprehensive settlement of the Darfur conflict, which will be complementary to the Comprehensive Peace Agreement; (b) the Government of the Sudan will continue to cooperate with UNAMID and will permit the Mission to conduct all of its mandated activities; (c) the international community will continue to provide UNAMID with necessary support and resources; and (d) the security situation on the ground will enable the continued deployment and functioning of the Mission.

Comprehensive political solution

3. With regard to the achievement of a comprehensive solution to the conflict in Darfur, a key indicator of progress in this area will be the continuation of the peace process under the leadership of the Joint Chief Mediator, as well as the holding of free, fair and credible elections in 2010 that would lay the foundation for meaningful representation of Darfur at the national level.

4. UNAMID will prioritize and phase its activities in accordance with the requirements of the Mediation, as well as the upcoming elections. In the near term, UNAMID will focus on substantial support and facilitation of the work of the Joint Chief Mediator and intensify its engagement and involvement with all Darfur stakeholders, including civil society, to ensure that their views are represented in negotiations going forward. In this connection, UNAMID will provide technical support and advice to the Joint Chief Mediator as the negotiations gather momentum on the various issues. As a first step in this direction, the Mission participated in the recent seminar organized by the Joint Mediation Support Team on developing proposals on the parameters, principles and key elements of a comprehensive Darfur peace accord, held in Doha from 12 to 14 October 2009. As a next step, UNAMID will be directly engaged through the Darfur-Darfur Dialogue and Consultation and

the Civil Affairs Section in supporting the efforts of the Mediation to convene the first civil society consultation on 16 November in Doha.

Secure and stable environment

5. No political solution to the conflict in Darfur can be sustainable without tangible dividends for the population in the area of safety and security. The achievement of a stable environment throughout Darfur, as evidenced by the absence of military activity, a significant reduction in criminal activities, and the re-establishment of the freedom of movement for civilians, remains paramount.

6. In this context, UNAMID will continue to undertake the following activities to contribute to the overall objective of establishing a secure and stable environment in Darfur: continue to conduct patrols, including enhancing and increasing integrated long-range and night patrols; increase its mine risk education throughout Darfur; retain a presence 24 hours a day, seven days a week in IDP camps and reinforce its community policing activities, as well as expansion of the scale and scope of training and capacity-building of Government police and movements' police liaison officers. UNAMID will continue to report on major instances of violence, including all violations of human rights and international humanitarian law. To this end, it requires the full deployment of human rights staff, which is currently 96 out of a mandated strength of 208. The Mission will also continue to support disarmament, demobilization and reintegration as laid out in the mandate of UNAMID.

7. UNAMID will also continue to engage with local, regional and international partners towards easing the tensions between Chad and the Sudan, and cooperate closely with the United Nations Mission in the Central African Republic and Chad on issues of common interest. In cooperation with the local stakeholders and the United Nations country team, UNAMID will work towards obtaining written commitments and agreed upon action plans by all parties to the conflict for ending the recruitment and use of child soldiers and, in close cooperation with UNICEF, for the development of reintegration programmes for these children. In cooperation with the local stakeholders and the United Nations country team, UNAMID will also work towards developing a comprehensive strategy to protect women and girls from sexual and gender-based violence.

8. The poor economic prospects of the people of Darfur, particularly the youth, contribute to the opportunistic violence occurring in Darfur. This could be partially addressed, as a short-term measure, through UNAMID quick-impact projects, although a sustained solution to the problem will require long-term development and commensurate investment. Efforts will be made to expand the current size of the Darfur Multi-Donor Trust Fund to accommodate those quick-impact projects.

Rule of law

9. The achievement of security and stability is closely linked to the ability of State institutions to enforce the rule of law, conduct work in accordance with principles of good governance, and guarantee human rights and freedoms to the population. Long-term stability is equally predicated upon achieving accountability for past crimes and on socio-economic development of the whole of Darfur, including improvements in the education and health of the population, significant improvements in infrastructure, and expansion of social services and livelihood opportunities.

10. To this end, UNAMID will continue to work closely with the local institutions, with a view to providing advice and training, and to advocate for an inclusive, transparent and accountable administration in accordance with principles of good governance. Additionally, UNAMID will continue to leverage and engage in capacity-building activities targeting civil society organizations, including women's organizations, and will support local reconciliation initiatives through logistical and technical assistance.

11. UNAMID will continue to work closely with security and justice institutions, as well as with prison management structures to improve conditions in prisons and detention facilities. It will continue to monitor and report violations of international humanitarian and human rights law and will follow up on the implementation of Security Council resolutions on children and armed conflict, as well as Security Council resolution 1820 (2008) on acts of violence against civilians in armed conflicts. The Mission will also continue to support technical cooperation activities with a view to increasing the capacity of security forces to respond to human rights violations by reducing attacks on civilians, sexual and gender-based violence against women, arbitrary arrests and detention, summary executions and torture. These activities are also designed to improve the understanding of prosecutors and the judiciary of the application of human rights standards at the pretrial and trial stage.

Stabilized humanitarian situation

12. With regard to achieving a stabilized humanitarian situation, a key indicator of progress in this area will be the establishment of unhindered humanitarian access. This, however, is only a prerequisite to enhancing efforts to find long-term, sustainable solutions to the situation of vulnerable communities, including through gradual transition towards livelihood activities and support for the principal agencies working to facilitate voluntary and sustainable returns. The displacement of populations, as well as the undermining of economic and livelihood activities as a result of the conflict, has created large vulnerable communities with long-term dependency on humanitarian assistance. Finding a comprehensive and sustainable solution to the humanitarian situation constitutes another priority area that will require concerted efforts by UNAMID, the United Nation country team, entities of the Government of the Sudan and other stakeholders.

13. In cooperation with the United Nations country team, UNAMID will work towards establishing mechanisms to facilitate the opening and expansion of humanitarian space. In this context, UNAMID will lead in the development of the Integrated Strategic Framework. The Mission will also take all necessary steps to ensure the safety and security of humanitarian personnel and the protection of humanitarian convoys, including expanded patrolling towards rural areas to contribute to improved security conditions in places of origin of IDPs, and continued advocacy with Government authorities at all levels as regards their responsibility to provide protection to the population. UNAMID support to the United Nations country team in assisting those in need of humanitarian assistance will prioritize support to the traditional economic activities of Darfurians in order to contribute substantially to stabilizing and improving the long-term humanitarian situation in Darfur.

Annex II

UNAMID benchmarks and indicators

The following benchmarks and indicators are related to the four priority areas discussed in the UNAMID workplan on mandate implementation. It should be noted that many of the benchmarks relate to the broader situation in Darfur and are not restricted to activities covered solely in the mandate of UNAMID. However, implementation of the mandate should facilitate the achievement of these benchmarks, and indicators of achievement reflect, at least in part, progress made by UNAMID. It must be emphasized that the implementation of many of the mandated tasks of UNAMID is contingent not only on the full deployment and staffing of the Mission, but also on the cooperation of the parties, including with regard to the Mission's freedom of movement throughout Darfur. The benchmarks and indicators of progress will be revisited and updated in subsequent reports as necessary.

I. Comprehensive political solution

Benchmark: Achievement of a comprehensive political solution to the conflict, through the implementation of the Darfur Peace Agreement and/or the conclusion of a subsequent comprehensive peace agreement that will ensure that Darfur is adequately represented and participating in the national political process.

Requirements for progress would include a willingness of the parties to the conflict to engage in substantive negotiations and make the compromises necessary for an inclusive peace agreement, improvement in relations between Chad and the Sudan, and strong international support for the negotiations.

Year	Indicators of progress
2009-2010	• Key relevant stakeholders in the Darfur conflict are represented in substantive negotiations on a peace agreement
	• Negotiations under the leadership of the Joint Chief Mediator, which are inclusive of all relevant stakeholders, lead to the conclusion of a comprehensive peace agreement
	• The provisions of the Darfur Peace Agreement and any subsequent peace agreement are implemented and ensure the fair representation of Darfurians in national decision-making
	• National elections in Darfur take place in a stable environment, allowing for high voluntary voter turn-out
	• Progress made towards the establishment of effective mechanisms and institutions promoting reconciliation between communities

II. Secure and stable environment

Benchmark: UNAMID to contribute to the restoration and upholding of a stable and secure environment throughout Darfur, in which civilians, in particular vulnerable groups, are protected and the displaced populations may choose to return to places of origin.

Requirements for progress would include a willingness of the parties to the conflict, including rebel groups and armed groups associated with both the Governments of Chad and the Sudan, to cease hostilities and permit the displaced populations to return to their homes without fear of further violence.

Year	Indicators of progress
2009-2011	• Ceasefire in place, according to the Department of Political Affairs and any subsequent agreement • Reduction in outbreaks of violence among Government forces, armed movements and communities in Darfur • Chad-Sudan cross-border clashes reduced and confidence-building measures implemented • Reduction in criminal activity against civilians, including banditry, hijacking and kidnapping • Decrease in attacks on humanitarian convoys • Reduced numbers of illegal firearms, landmines and unexploded ordnance • Enhanced capacity of security institutions to manage violence against civilians, including prevention of sexual and gender-based violence, including arrest and prosecution according to international standards • Implementation of the disarmament, demobilization and reintegration programme throughout Darfur

III. Enhanced rule of law, governance and human rights

Benchmark: UNAMID to contribute to the functioning of effective and efficient State institutions, including national and local authorities and security and justice institutions, to enforce and maintain the rule of law and govern on a non-discriminatory basis in accordance with international human rights standards and principles of good governance throughout Darfur.

Requirements for progress would include a willingness of the Government of the Sudan at both the national and local levels to undertake significant reform of its security and judicial institutions, strong support of the international community of efforts to improve State institutions in Darfur, and willingness of the Government of the Sudan to implement legislative reforms towards international human rights standards.

Year	Indicators of progress
2009-2011	• Continual reduction in violations of international humanitarian and human rights law, including the end of recruitment and use of child soldiers and of sexual violence and other grave violations against children

	• Progress towards an independent corrections system throughout Darfur
	• Local police force receives training on international policing standards and human rights
	• Implementation of Press and Printed Materials Act, and Criminal Amendments and Procedures Acts by the National Assembly (adopted May 2009)
	• Progress towards implementation of the National Human Rights Commission Act by the National Assembly (passed April 2009)
	• Implementation of measures by national authorities to improve standards of criminal prosecution and reduce impunity in Darfur

IV. Stabilized humanitarian situation

Benchmark: UNAMID to contribute to a stabilized humanitarian situation in which the humanitarian community has free and unhindered access to populations in need of assistance, and which enables Darfurians to live in dignity, gradually reducing their reliance on humanitarian aid through gradually increasing engagement in sustainable livelihood activities; UNAMID to support the lead agencies with respect to internally displaced persons to allow them to integrate fully into a community of their choice, including through voluntary, safe, dignified and sustainable return.

Requirements for progress would include a willingness of the parties to the conflict to permit unrestricted humanitarian access, strong support by the international donor community for humanitarian activities in Darfur, and a willingness of local actors to permit safe, voluntary and sustainable returns.

Year	Indicators of progress
2009-2011	• State institutions have adopted policies that promote socio-economic development, including through increasing access to basic social services, improving livelihoods and infrastructure
	• Improvement in access of humanitarian community to populations in need throughout Darfur
	• Reduction in mortality rates for vulnerable populations, especially internally displaced persons
	• Incremental transition from emergency relief to early recovery and rehabilitation is agreed upon and implemented
	• Increased numbers of displaced persons return to their homes in a sustainable, voluntary manner, as verified by the lead agencies in Darfur

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Letter dated 11 November 2009 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to address you to inform you that, on 21 October 2009, the notorious terrorist, Santiago Álvarez Fernández-Magriña, was released from prison in the United States.

Álvarez had been sentenced to prison for illegally storing hundreds of weapons together with ammunition in southern Florida, United States of America, and for obstructing justice by refusing to testify before a federal grand jury on the illegal entry into the United States of his accomplice, the infamous international terrorist, Luis Posada Carriles, responsible, among other acts, for blowing up a Cubana de Aviación aircraft in midflight and causing the death of 73 innocent civilians; for attacks on tourist facilities in Havana in 1997; and for dozens of plans financed by the United States Government to eliminate the Commander of the Cuban Revolution, Fidel Castro Ruz.

It was Santiago Álvarez who helped Posada Carriles enter the United States illegally aboard his boat the Santrina at the beginning of 2005.

It is worth pointing out that, even though Santiago Álvarez possessed an illegal weapons arsenal intended to commit terrorist acts against the people of Cuba, the United States prosecutors decided not to file charges of terrorism against him. Consequently, he was sentenced to only four years' imprisonment in a minimum security prison, a sentence that was later reduced to a mere 11 months as the result of Judge James Cohn's promise to reduce it in exchange for the voluntary handing over of another illegal cache of weapons that he had hidden.

In addition to the original illegal weapons that the police seized from Álvarez when they searched his apartment in Broward County, Miami (which included an M 11 A-1 machine gun, two Colt AR-15 rifles, a silencer and a Heckler & Koch grenade launcher), the terrorist subsequently handed over to the federal authorities in exchange for a reduced sentence another hidden cache of illegal weapons consisting of 30 automatic and semi-automatic machine guns, a grenade launcher, several grenades, more than 200 pounds of dynamite, 14 pounds of C-4 explosive

Please recycle

and 4,000 feet of detonating cable. This quantity of illegal weapons in southern Florida was unprecedented, all accumulated to commit terrorist attacks against Cuba.

Santiago Álvarez has a history of terrorist acts against the Cuban people. To cite but a few: he is active as the founder of the Alfa 66 paramilitary terrorist organization, which has its base in southern Florida, United States of America; he enrolled as a mercenary in Brigada 2506, which invaded Cuba via the Bay of Pigs in 1961; and he was a major accomplice of Posada Carriles in the planning of the failed attempt in 2000 in Panama on the life of Fidel Castro Ruz, the Leader of the Cuban Revolution.

The participation of Álvarez in numerous acts of piracy against Cuba from United States territory is widely known.

On 12 October 1971, he took part in a terrorist attack against the village of Boca de Samá in the northern part of Holguín province, during which participants killed two people and wounded another two adults and two children, one of whom was seriously injured.

He tried to infiltrate a terrorist commando group into the area of Isabela de Sagua, in the province of Villa Clara, Cuba, in April 2001, with the intention of perpetrating acts of sabotage in the country. The plans that Álvarez commissioned this terrorist commando group to execute included blowing up the Tropicana nightclub in Havana, which hundreds of people frequent every night.

Cuba has publicized a recording of Santiago Álvarez, speaking from the United States, in which, unaware that Cuban authorities had arrested the members of the terrorist commando group, he orders the group to massacre Cubans and foreigners in the nightclub. "Go in through the window and, with two little cans, it will all be over"; this is how Álvarez cold-bloodedly told his partner in crime to smuggle in the two containers with enough C-4 explosive to kill thousands of people and destroy the world-famous nightclub.

There is testimonial, expert and documentary evidence of the channels and methods employed by Álvarez to send money to Cuba. It was handed over to emissaries responsible for introducing it into our country for terrorist activities and received by mercenaries within the country.

Cuba wishes to recall that, for half a century, successive United States Governments have organized, encouraged and allowed numerous terrorist attacks against Cuba, making victims also of other countries' nationals. These attacks have resulted in the death of 3,478 Cubans and disabled a further 2,099, with material losses amounting to billions of dollars.

If the new United States Administration really wants to show its commitment to combating terrorism, it should take a firm stand, without double standards, against terrorist organizations and individuals that, like Luis Posada Carriles and Santiago Álvarez Fernández-Magriña, have been attacking Cuba all this time from United States territory.

The United States Government is in a position to see that justice is done and to release immediately the five Cuban anti-terrorist fighters who, even though, with extraordinary altruism and bravery, they were merely trying to obtain information on terrorist groups in Miami in order to prevent acts of violence and save the lives

of Cuban and United States citizens, have been held as political prisoners for more than 10 years in high-security prisons.

It is up to the United States Government to prove to its own and the international public that it is able to put aside the mean-spirited interests of anti-Cuban cliques in order to defend the real interests of its own people and of the international community. It has the powers to decide to stop using the issue of terrorism for political ends and to refrain from the unjust and unfounded inclusion of Cuba in the list of countries that allegedly sponsor terrorism.

I have the honour to request you to have this letter circulated as a document of the General Assembly, under agenda item 106, and of the Security Council.

(*Signed*) Pedro **Núñez Mosquera**
Ambassador
Permanent Representative